

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-34755-2020
Date of decision: 30.10.2020

Rattan Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to petitioner in case FIR No. 319 dated 17.10.2020, registered under Section 61/1/14 of the Excise Act at Police Station Bhuna, District Fatehabad.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the police received a secret information that petitioner Rattan Singh and his nephew Kirpal Singh are making illicit liquor by installing a working distillery in front of their house. On receiving such information, a raiding party was prepared and at the spot, Kirpal Singh was found and 25 liters of *Lahan* were recovered from the spot.

Learned counsel further submits that petitioner was not found present at the spot and the recovery has already been effected.

Learned State counsel submits that petitioner is involved in one more case pertaining to the year 2017 and he stands acquitted in one other FIR.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the fact that despite receiving a secret information, the police was not able to arrest the petitioner and at the spot, his nephew Kirpal Singh alone was found present, therefore, it will be a debatable issue whether the petitioner was in conscious possession of said *Lahan* recovered at the spot, hence, I deem it appropriate to grant concession of anticipatory bail to petitioner.

Accordingly, the present petition is allowed and petitioner is granted concession of anticipatory bail, subject to conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if required, by issuing a written notice in this regard.

30.10.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No