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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

* * *

CRM-M-44260-2020
Date of Decision: 30.12.2020

Kans Raj

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S.K. Choudhary, Advocate for the petitioner.

Mr. Amit Mehta, Senior Deputy Advocate General, Punjab.

* * *

Avneesh Jhingan, J.

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No. 109, dated 27th May, 2020 under Section 61 (1) of the Punjab Excise Act, 1914, registered at Police Station Sadar, District Pathankot.

It is stated in the FIR that secret information was received that petitioner is doing a business of illicit liquor and if raid is conducted in his new house where he is not residing presently, then heavy quantity of liquor can be recovered. As a result of secret information, raid was conducted. As per story forthcoming, the petitioner was sitting on a bed and on asking, he disclosed his name. 60 bottles of illicit liquor were recovered from two plastic Cans which were lying under the bed on which petitioner was sitting.

Mr. S.K. Choudhary, learned counsel appearing for the petitioner submits that petitioner has been falsely implicated, in fact he was not there at the time of raid and no recovery was made therefrom.

Mr. Amit Mehta, Senior Deputy Advocate General, Punjab submits that petitioner is a habitual offender and other cases are also pending against him.

If the story put forth in the FIR is to be believed, the petitioner was sitting on the bed at the time of raid, two plastic Cans were recovered from under the bed where he was sitting. In raid he disclosed his name, yet nothing is forthcoming why he was not arrested at the spot. Merely, the fact that there are other cases pending against him, would not be a ground to deprive him of personal liberty. More so, no recovery is to be made from the petitioner.

Petitioner is granted anticipatory bail subject to his joining investigation within a week. In the event of arrest, the petitioner shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating/ Arresting Officer. He is directed to join the investigation as and when called. He shall abide by the conditions as envisaged under Section 438 (2) Cr. P.C.

The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

30th December, 2020

pankaj baweja

Whether speaking/reasoned	Yes
Whether reportable	Yes