

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

**CRM-M No. 1856 of 2021
Date of decision: 14.01.2021**

Take Singh @ Tek Singh Petitioner.

Versus

State of Punjab Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. P.K.S. Phoolka, Advocate, for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab, for the respondent.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking anticipatory bail in FIR No. 57 dated 23.05.2020, under Section 61 of the Punjab Excise Act, 1914, ('Excise Act' - for short), registered at Police Station Nandgarh, District Bathinda.

Learned counsel for the petitioner contends that it is alleged that a working still, 30 litres of 'lahan' and 750 mls of illicit liquor were recovered from the house of the petitioner. It is also alleged that the petitioner had run away from the spot. He, however, contends that the prosecution version is highly improbable, as it would not be possible for the petitioner, who is 80 years of age, to run away in the presence of several police officials. He also contends that there is no independent witness to the recovery. He further contends that the petitioner is not involved in any other case under the Excise Act.

Issue notice to the respondent.

At the asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab, accepts notice on behalf of the respondent. He contends that in view of the gravity of the offence alleged to have been committed by the petitioner, he is not entitled to the concession of anticipatory bail.

Without expressing any opinion on the merits of the case and in view of the above, especially when the son of the petitioner had been arrested on the spot, petitioner is 80 years of age and he is not involved in any other case under the Excise Act, I deem it a fit case to grant the concession of anticipatory bail to the petitioner.

Therefore, the petitioner is directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on his doing so, he shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 of the Code of Criminal Procedure, 1973 ('Cr.P.C.' - for short). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed of in the aforementioned terms.

(ANUPINDER SINGH GREWAL)
JUDGE

14.01.2021
Ramesh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No