

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

205

CRM-M-1265-2020

Date of Decision: 14.09.2021

Lakhwinder Singh @ Lakha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ramandeep, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Sham Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.232 dated 17.12.2019 at Police Station Anaj Mandi, Patiala, under Section 61 of Act-1 of the Punjab Excise Act.
2. The FIR was lodged on the basis of a secret information received by the police to the effect that Lakhwinder Singh @ Lakha and Baldev Singh, both used to purchase country-made liquor from Chandigarh and Haryana at lower rates and used to sell the same from their houses. Pursuant to said information, a raid was conducted and Baldev Singh was nabbed while he was arranging boxes containing liquor in rows and 8 boxes containing 12 bottles each brand 'Santra' were recovered. Apart from the said bottles, another 15 boxes of country made liquor containing 12 bottles each of brand 'Himmant Santra' were also recovered.

3. Learned counsel for the petitioner has submitted that he was never arrested at the spot and that country-made liquor, if any, is alleged to have been recovered from Baldev Singh and not from the petitioner and in these circumstances, the petitioner deserves the concession of bail.
4. Learned State counsel has opposed the petition while submitting that since the name of the petitioner specifically figures in the FIR, no case for grant of bail is made out. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was never arrested at the spot nor any recovery was effected from him. As per the information furnished by the learned State counsel, the petitioner has since joined investigation and challan already stands presented and also that the petitioner has a clean record.
7. In view of the aforestated position, it is not a case warranting any custodial interrogation. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 14.01.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

14.09.2021

Vimal

(GURVINDER SINGH GILL)**JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No