

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8765-2021 (O&M)

Date of decision: 18.03.2021

Akashdeep Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

Coram: Hon'ble Mr. Justice B.S. Walia.

Present : Mr. RamnishPuri, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

B.S. Walia, J. (Oral)

[1] Prayer in the petition under Section 438 Cr. P. C. is for grant of pre-arrest bail to the petitioner in case FIR No. 86 dated 20.06.2020 registered at Police Station Gharinda District Amritsar for offences punishable under Section 61, Punjab Excise Act, 1914.

[2] Learned counsel contends that the petitioner, a young man has been implicated in the instant case solely on the basis of secret information leading to recovery of 20 bottles of illicit liquor contained in a plastic can without associating any independent witness, or preparing videography of the raid. He further contends that in view of rise of Corona Virus, no useful purpose would be served by detaining the petitioner in custody, especially as the petitioner undertakes to join investigation as and when required and to cooperate with the police, besides conclusion of trial is likely to take considerable period of time.

[3] Reply has been filed.

[4] Learned AAG, Punjab contends that there are three other cases under Excise Act registered against the petitioner therefore, the petitioner is not entitled to the concession of pre-arrest bail.

[6] I have considered the submissions of the learned counsel for the

parties.

[7] Admittedly, the petitioner is a young man aged 20 years and no independent witness was associating in the raid conducted leading to recovery of 20 bottles of illicit liquor. No doubt there are three other cases registered under the Excise Act against the petitioner, however, learned counsel for the petitioner has relied upon the decision of Hon'ble Supreme Court in **Prabhakar Tewari Versus State of UP and another, 2020 (1) RCR (Criminal) 831** to contend that mere pendency of other cases is not a ground to deny bail. Accordingly, taking into account all aspects of the matter, especially of no independent person having been joined as witness in the raid conducted, petitioner undertaking to join investigation as and when required and to cooperate with the police, besides conclusion of trial likely to take considerable period of time, the petition for pre-arrest bail is allowed. Petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on pre-arrest bail subject to his furnishing bailbonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the protection granted to the petitioner, shall stand vacated. However, it is made clear that in case of involvement of the petitioner in any other case during the period he is on anticipatory bail in the instant case, the prosecution would be at liberty to move an application for cancellation of anticipatory bail granted to the petitioner in the instant case. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

18.03.2021.
rajender/shabha

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