

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-11566-2020 (O&M)

Date of Decision:- 25.8.2021

Balwinder Singh alias Bittu

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Neeraj Madaan, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Swaran 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.51, dated 16.4.2019, Police Station Vairoke, District Fazilka, under Section 61 of the Punjab Excise Act.
2. The FIR was lodged pursuant to receipt of secret information to the effect that Balwinder Singh (petitioner) indulges in distilling and selling of illicit liquor. Pursuant to receipt of aforesaid information a raid was conducted at the house of Balwinder Singh and 19 bottles of illicit liquor were recovered from the spot. However, Balwinder Singh is stated to have fled away from the spot.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that he was never ever found at the spot and the recovery of 19 bottles have been falsely planted.

4. Opposing the petition, learned State counsel has submitted that since recovery was effected pursuant to a specific information received by the police against the petitioner, no case for grant of bail is made out. It has however, been informed that pursuant to interim directions the petitioner has joined investigation and that challan already stands presented. It has also been informed that the petitioner happens to be involved in two other identical cases.
5. I have considered rival submissions addressed before this Court.
6. The petitioner is not stated to have been found at the spot and the recovery is stated to have been effected in the absence of the petitioner. In any case, since the petitioner is stated to have joined investigation and challan already stands presented, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 19.3.2020 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.

25.8.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No