

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

211

CRM-M-20345-2021

Date of Decision: 10.08.2021

Punjab Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Rahul Vijay Singh Chugh, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by Constable Sukhjit 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.0060 dated 22.04.2021 at Police Station Sardulgarh, District Mansa, under Section 61/1/14 of the Punjab Excise Act.
2. As per the case of the prosecution, a secret information was received by the police to the effect that the petitioner indulged in preparation of illicit liquor. Pursuant to receipt of said information, a raid was conducted and 100 liters of '*lahan*' was recovered from the nominated place though the petitioner is alleged to have fled away from the spot.

3. At the time of issuance of notice of motion, the following order was passed:

“Petitioner-Punjab Singh, stated to be aged 63 years, has filed the present petition *inter alia* with a prayer for grant of anticipatory bail in case FIR No.0060 dated 22.04.2021 (Annexure P-1), registered under Sections 61, 1 & 14 of Punjab Excise Act, at Police Station Sardulgarh, District Mansa.

Learned counsel for the petitioner, by making reference to the pleadings in the petition, submits that the petitioner has no concern with the alleged case property. He submits that the petitioner is a senior citizen and is also a cancer patient, for which he is undergoing regular medical treatment. It is further submitted that wife of the petitioner is 80 % disabled and depends upon the petitioner.

Notice of motion.

On asking of the Court, Mr. Manreet Singh Nagra, Assistant AG, Punjab, accepts notice on behalf of the respondent-State. He submits that there is no other case against the petitioner. Learned State counsel is not disputing the factual position, however, opposes the bail on merits.

At this stage, counsel for the petitioner submits that the petitioner is ready to join the investigation. He submits that because of COVID-19 situation also, retention of the petitioner behind bars would be dangerous to his life.

Without commenting upon merits of the case and in view of the peculiar facts and circumstances of the present case and also keeping in view of the present COVID situation, this Court deems it appropriate to direct the petitioner to appear before the Investigating Officer to join investigation.

List on 10.08.2021.

xx xx”

4. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and that he is not wanted in any other case.

5. Having regard to the fact that the petitioner was never arrested at the spot and while also noticing that he has since joined investigation and is stated to have a clean record, the petition is accepted and the interim directions issued by this Court vide order dated 21.05.2021 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.

10.08.2021

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(GURVINDER SINGH GILL)
JUDGE

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