

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

201

**CRM-M-24395-2021
Date of Decision:23.09.2021**

GURPREET MASIH @ KALU

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Anupam Bhardwaj, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

Through the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.70 dated 05.03.2021, registered under Section 61 of the Punjab Excise Act, 1914, at Police Station Ajnala, District Amritsar, Annexure P-1.

FIR, Annexure P-1, came to be registered after the residential premises of Gurpreet Masih @ Kalu (present petitioner) was raided, who was found to be distilling illicit liquor on his gas cylinder in the open courtyard but he managed to flee. A lit gas burner, drum and some other items were recovered besides 380 kg. of *lahan* and 30 bottles of illicit liquor.

Counsel for the petitioner submits that the petitioner has been falsely framed in the FIR and the items as well as the illicit liquor recovered from his premises have been planted there by the police. He submits that at the time of the alleged recovery, no independent witness was made to join and the version on the basis of which FIR has been lodged is highly improbable as it is not possible for the petitioner to run away in the presence of a police force. By referring to order dated 16.07.2021, counsel for the petitioner submits that the petitioner is not involved in any other criminal case and he has joined the investigation.

Upon instructions from ASI Gurbax Singh, State counsel has affirmed the fact that the petitioner has joined the investigation and that he is no longer required for custodial interrogation.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 16.07.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

23.09.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No