

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

CRM-M-28777-2021 (O&M)

Date of Decision:- 11.11.2021

Tarsem Singh @ Sema and another

.... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ramnish Puri, Advocate, for the petitioners.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Amanjit Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No. 314, dated 29.10.2020, Police Station Kamboj, District Amritsar, under Section 61 of Punjab Excise Act.
2. At the very outset, learned counsel for the petitioners submits that he may be permitted to withdraw the instant petition qua petitioner No.2-Sarabjit Singh @ Sonu as he stands arrested on 19.10.2021.

3. In view of the aforesaid submission, the instant petition is dismissed as withdrawn qua petitioner No.2-Sarabjit Singh @ Sonu.
4. Learned counsel for petitioner-Tarsem Singh @ Sema submits that he has falsely been involved in the instant FIR and was never ever arrested at the spot. Learned counsel submits that the FIR in question is based on a secret information to the effect that petitioner-Tarsem Singh and Sarabjit Singh have been indulging in distilling illicit liquor since long and sell the same and that even at the given point of time they were distilling illicit liquor in their house. It is further the case of prosecution that upon receipt of said information a raid was conducted at the house of the accused who were both brothers. However, the accused managed to escape from the spot. Police recovered 410 Kgs of Lahan from the house of the petitioner.
5. Learned counsel for the petitioner has submitted that the petitioner cannot be attributed conscious possession of the allegedly recovered Lahan since there are other occupants in the said house as well.
6. On the other hand learned State counsel has informed that the petitioner is a habitual offender having been involved in as many as 23 other cases and although he stands acquitted in some of the cases but has also been convicted in some of them while some are still pending.
7. I have considered rival submissions addressed before this Court.
8. Bearing in mind the fact that Lahan was recovered from the house of the petitioner, the petitioner would be expected to furnish some explanation for the same. The aforesaid fact when examined in light

of the antecedents of the petitioner, this Court does not deem it appropriate to grant anticipatory bail. The petition, as such, is dismissed.

9. However, in case the petitioner surrenders before the trial Court within a period of 10 days today and moves an application for grant of regular bail, the learned trial Court shall endeavour to dispose of the same expeditiously.

11.11.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No