

CRM-M-31670-2021

Date of Decision:20.09.2021

Sawinder Singh @ JeonaPetitioner
Vs.
State of PunjabRespondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Ramnish Puri, Advocate,
for the petitioner.

Mr. Ramdeep Pratap Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.48, dated 03.06.2021, having been registered at Police Station Sarai Amanat Khan, District Tarn Taran, alleging therein the commission of an offence punishable under Section 61 of the Punjab Excise Act, 1914.

Pursuant to the order dated 09.08.2021, though in the affidavit filed by the DSP, Sub Division Tarn Taran, it has been stated the offence being one against the society at large the petitioner not entitled to the concession of 'anticipatory bail', however, it is nowhere pointed out that there was any kind of recording of the recovery of the illicit liquor from the petitioners' house, with it being not mentioned at all as regards any independent witnesses having been joined in any such process of recovery.

It is to be noticed that sub section (8) of Section 100 of the Cr.P.C. reads as follows:-

(8) Any person who, without reasonable cause, refuses or neglects to attend and witness a search under this section,

when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under section 187 of the Indian Penal Code (45 of 1860).

Nothing has been stated in the reply as to whether any action has been taken against any witness to refutes to join investigation.

As regards the petitioner being involved in the commission of similar offences, learned counsel for the petitioner points out that even as per the reply itself, the petitioner was acquitted by the trial court in all cases.

That being so, without making any comment on the actual merits of the case, the petition is allowed, with the order dated 09.08.2021, made absolute on the same terms and conditions.

September 20, 2021

dharamvir

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES
Whether Reportable : YES