

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

**CRM-M-32191-2021
Date of decision: 25.10.2021**

Lakhbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 119 dated 15.06.2021, registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Civil Line Batala, District Batala.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party received a secret information that one Rashpal Singh @ Bau and petitioner Lakhbir Singh are carrying liquor meant for sale in UT in their Innova car. On receiving such information, a raid was conducted at the disclosed place and the said car was seen parked. A man was seen coming out of the car and on seeing the police party, he ran away from the spot, however, another person was apprehended. He disclosed his name as Rashpal Singh @ Bau, whereas the persons, who ran

away from the spot, was disclosed as Lakhbir Singh, i.e. the petitioner herein. On checking, 29 boxes of english liquor, meant for sale in UT, were recovered.

Learned counsel for the petitioner submits that the bail application of the petitioner was dismissed by the Additional Sessions Judge, Gurdaspur only on the premise that he is involved in three more similar FIRs of 2017, 2018 and 2019, whereas the petitioner is on bail in said cases and in the present case, the name of the petitioner surfaced on the disclosure of co-accused Rashpal Singh @ Bau, who was arrested at the spot.

Learned counsel further submits that false implication of the petitioner cannot be ruled out as despite having a secret information and there being a police party comprising number of police officials including the personnel of Excise Department, it is stated in the FIR that the petitioner succeeded in running away from the spot, whereas the other occupant of the said car was arrested, which shows that the name of the petitioner has been added later on.

Learned State counsel could not dispute the factual position that police party was unable to arrest the petitioner at the spot despite having a secret information and despite the fact that a number of police officials were part of the raiding party, however, it is submitted that petitioner is involved in some other cases.

After hearing learned counsel for the parties, considering the facts and circumstances of the case and also considering the submissions of learned counsel for the petitioner, the present petition is allowed. The

petitioner is granted concession of anticipatory bail, subject to conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

25.10.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No