

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

*** * ***

**CRM-M-31749 of 2020
Date of Decision: 08.01.2021**

Boota Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. G. S. Sandhu, Advocate for the petitioner.
Ms. Samina Dhir, DAG, Punjab.

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Avneesh Jhingan, J. (Oral)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No. 193 dated 13.9.2020, under Sections 61/1/14 of the Punjab Excise Act, 1914, registered at Police Station Vairoke, District Fazilka.

On 8.10.2020, the following order was passed:

“As per the FIR, a secret information was received that the petitioner, resident of village Jaimal Wala, was indulging in preparing illicit liquor and selling the same. On the basis of the information, a raid was conducted and it is alleged that there is recovery of 50 litres of Lahan, however the petitioner fled from the spot.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated, he was not present at the spot and there is no other case pending against the petitioner.

Learned counsel for the State opposes the prayer and submits that 50 litres of Lahan was recovered in pursuance to the definite information received. However, on instructions from ASI-Paramjit Singh, he fairly submits that no equipment of distillation was recovered from the spot.

Considering the fact that the petitioner was not apprehended from the spot, the alleged recovery is of 50 litres of Lahan, the information was that he was preparing illicit liquor and selling the same, however, there is no seizing of any equipment to show that the liquor was being prepared at the said spot, the petitioner is granted interim bail subject to joining investigation within one week from today. He shall be bound by the conditions under Section 438(2) Cr.P.C.”

It is submitted on behalf of learned State counsel that the petitioner has joined investigation and his custodial interrogation is not required.

Consequently, the interim bail earlier granted to the petitioner is made absolute.

The petition stands disposed of.

(AVNEESH JHINGAN)
JUDGE

08.01.2021
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No