

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

116

CRM-M-39490-2021

Date of Decision: 22.09.2021

Gurdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. J.S.Bhandohal, Advocate, for the petitioner.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking quashing of FIR No.274 dated 08.12.2020 registered at Police Station City Rajpura, District Patiala, under Sections 61/78(2) of the Punjab Excise Act and Sections 420/465/468/471/120-B IPC.
2. In nutshell, the allegations as per FIR are that a secret information was received by the police to the effect that Dipesh Grover, Karaj Singh, Hardeep Singh @ Bachi, Gurpreet Singh and some unknown persons indulged in preparing adulterated illicit liquor from extra neutral alcohol with the help of a machine in the godown in front of Scholar Public School, Rajpura Bypass. Pursuant to receipt of said information, a raid was conducted and two persons, namely, Karaj Singh and Dipesh Grover, were apprehended from the spot.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused solely on the ground that he happens to be owner of the godown in question. It has been submitted that the said godown had in fact been let out by him to Dipesh Grover initially on 22.05.2017 as per rent deed Annexure P-2 for a period of 11 months and subsequently again vide agreement dated 07.11.2020 (Annexure P-3). It has further been submitted that while the stamp paper on which rent deed (Annexure P-3) was written was purchased by the petitioner, the stamp papers pertaining to rent deed (Annexure P-2) was purchased by accused Dipesh Grover himself. It has further been submitted that now challan has been presented, but the perusal of the challan would indicate that apart from the factum of ownership of the godown in question, there is not a word against the petitioner which could indicate that he was in any way associated with the other accused or had connived with them in any manner. It has also been submitted that the petitioner has a clean record and is not involved in any other case.
4. Having heard learned counsel for the petitioner and while noticing that the matter before the trial Court is at the stage of considering the framing of charges, the instant petition is disposed of with liberty to the petitioner to raise all the submissions raised herein including the one as noticed above before the trial Court at the stage of framing of charges.

5. Needless to mention that in case the aforesaid submissions are raised, the trial Court shall consider the same in accordance with law and pass a speaking order while considering the submissions as may be raised on behalf of the petitioner.

22.09.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**