

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

CRM-M-34494-2020 (O&M)
Date of Decision:- 23.2.2021

Labh Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. J.S.Bhinder, Advocate, for the petitioners.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Sukhwinder Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No. 228, dated 7.9.2020, Police Station Lehra, District Sangrur, under Section 61/1 of Punjab Excise Act, wherein it is alleged that a secret information had been received by the police to the effect that Sita Singh and Labh Singh indulged in sale of liquor illegally after getting the same from Haryana. Pursuant to receipt of said information a raid was conducted at the house of Labh Singh and from where 120 bottles of country made liquor make 'Jugni' (Haryana) were recovered. However, the petitioners could not be arrested at the spot.

2. Learned counsel for the petitioners has submitted that they have falsely been implicated in the present case and it remains unexplained as to how the police, despite having prior information were unable to apprehend the petitioners.
3. Opposing the petition, the learned State counsel has submitted that the petitioners are habitual offenders and that while three cases under Excise Act are pending against Labh Singh, two cases under Excise Act are pending against Sita Singh. Learned State counsel has however, informed that pursuant to interim directions issued by this Court, the petitioners have joined investigation and are not required for any custodial interrogation.
4. Having regard to the facts and circumstances of the case and while noticing that the petitioners have already joined investigation, their custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 29.10.2020 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

February 23, 2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No