

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

(106)

CRM-M-45333-2021.
Date of Decision:-29.10.2021.

Diljit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Binat Sharma, Advocate for the petitioner.

Mr. A.K. Kaundal, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a first petition under Section 438 of Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.74 dated 12.06.2021, under Sections 61/1/14 of the Punjab Excise Act registered at Police Station Shri Anandpur Sahib, District Rupnagr.

As per allegations in the FIR, secret information was received that the petitioner, along with Pardeep Kumar and Gurdeep Singh, was distilling illicit liquor and selling the same at a cheap rate. Information also disclosed that they had installed an illegal working still in the area of village Mehan near Satluj river opposite to the cremation ground and if a raid was conducted at the spot, raw lahan could be recovered. On receipt of this information, a raid was conducted and two drums containing 200 litres

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of lahan each and one plastic can containing 12 litres of illicit liquor were recovered from the spot.

Learned counsel for the petitioner has submitted that no recovery has been effected from the petitioner and there is no material to connect the present petitioner with the said recovery and the recovery was from an open place and even the lahan was destroyed on the spot and no sample was collected from the same.

Learned State counsel, on the other hand, has submitted that the information was specific and that from the spot, one tractor along with trolley registered in the name of the mother of the petitioner was recovered. It is also submitted that the petitioner is involved in other cases also. It is submitted that a Co-ordinate Bench of this Court had been pleased to dismiss the anticipatory bail application of the co-accused-Pardeep Kumar vide order dated 13.07.2021 passed in **CRM-M-26763-2021** and that the case of the present petitioner is on the same footing as that of the said Pardeep Kumar.

This Court has heard the learned counsel for the parties.

Keeping in view the above facts and circumstances, moreso, the factum with respect to the quantity of recovery as also the fact that the anticipatory bail application of the co-accused-Pardeep Kumar, who is similarly placed as the present petitioner, has been dismissed by a Coordinate Bench of this Court vide order dated 13.07.2021 passed in **CRM-M-26763-2021** and the petitioner is involved in other cases and the tractor and trolley recovered on the spot is in the name of the mother of the petitioner, no ground is made for granting the benefit of anticipatory bail to

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the petitioner.

Accordingly, the present petition is dismissed.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

October 29, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No