

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

CRM-M-43275-2020

Date of Decision: 23.03.2021

Balwinder Singh @ Bittu

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Lupil Gupta, Advocate, for the petitioner.

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

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.105 dated 31.07.2020 at Police Station Valtaha, District Tarn Taran, under Sections 61/1/14 of the Punjab Excise Act.
2. It is the case of the prosecution that the police received a secret information to the effect that the petitioner had stored two drums of *Lahan* in 'sarkanda' of drain. Pursuant to receipt of such information, a raid was conducted at the nominated place and two drums containing 400 Kgs. of *Lahan* was recovered.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that the place from where the *Lahan* was allegedly recovered is not in possession of the petitioner and as such, the petitioner cannot be attributed conscious possession of the said *Lahan*.

4. Opposing the petition, learned State counsel has submitted that since there was a definite information against the petitioner, which was recorded into FIR and which stands substantiated from the recovery of *Lahan*, no case for grant of bail is made out. It has, however, been informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and that he is not wanted in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the *Lahan* in question is not stated to have been recovered from any premises in possession of the petitioner and while also noticing the fact that the petitioner has since joined the investigation and is not wanted in any other case, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 22.12.2020 are hereby made absolute subject to the condition that the petitioner 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.
7. It is, however, made clear that none of the observations made above shall be taken to be an expression on merits of the main case.

23.03.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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