

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2786-2022 (O&M)
Date of decision: 27.04.2022

Ram Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. N.S. Dandiwal, Advocate for
Mr. J.S. Warring, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.1 dated 01.01.2022 under Section 61 of Punjab Excise Act, 1914, registered at Police Station Talwandi Sabo, District Bathinda.

While granting interim bail to the petitioner, following order was passed by this Court on 24.01.2022: -

“...Learned counsel for the petitioner submits that as per allegations in the FIR, the police party received a secret information that the petitioner is bringing liquor, meant for sale in the State of Haryana, to Punjab and is selling at a higher rate and

he could be apprehended with heavy quantity of Haryana made liquor. On receiving such information, the police party conducted a raid at the residence of the petitioner and recovered 72 bottles of liquor, however, the petitioner was not found present at his residence.

Learned counsel further submits that despite a number guidelines laid down by this Court, which were followed by the DGP, Punjab with regard to conducting investigation in such type of cases, the police has conducted the investigation in a very casual manner. It is very surprising that despite having a secret information, the raid was conducted at a time when the petitioner was not present at the spot, which in fact indicates that either he has been falsely implicated in this case or the police wanted to favour him.

Be whatsoever, the matter requires to be inquired into by a senior police official.

Accordingly, SSP, Bathinda is directed to look into the matter and call an explanation from the SHO/police officials, who were part of the raiding party, as to why the proper procedure/instructions have not been followed while conducting raid/investigation as no responsible person like Sarpanch or Numberdar was associated in the raid...”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required

for any further investigation.

Reply by way of affidavit of Senior Superintendent of Police, Bathinda, filed in the Court today, is taken on record. As per this affidavit, on conducting the inquiry, it was found that SI Ravinder Singh, SHO, Police Station Talwandi Sabo and ASI Bhoga Singh, the Investigating Officer, have not acted in a proper manner and they have been issued show cause notice. It is further stated that on receiving the reply, recommendation is made for initiation of departmental proceedings and the inquiry is marked to DSP City-I, Bathinda.

Learned State counsel, on instructions from ASI Laxman Singh, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 24.01.2022 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

The Senior Superintendent of Police, Bathinda is directed to conclude the inquiry expeditiously.

Disposed of, accordingly.

27.04.2022

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[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No