

214 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3380-2022

Date of decision: 5th April, 2022

Manjit Singh @ Pipal

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Harmandeep Singh, Advocate for the petitioner.
Mr. Amit Mehta, Sr. DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. The petitioner is before this Court in case FIR No. 1, dated 1st January, 2021, under Section 61 of the Punjab Excise Act, 1914 (for short 'the Act'), registered at Police Station Sadar, Ferozepur, District Ferozepur.

2. The relevant facts are that police party received a secret information on 1st January, 2021 that Manjit Singh @ Pipal (petitioner), Satnam Singh, Pappi, Tarsem singh and Soni were involved in a distilling and selling of illicit liquor. A raid was conducted near Village Habib on the southern side of Marshes of the river. The accused were able to flee from the spot. However, thirty thousand litre of Lahan was recovered. It was claimed that two ASIs in the raiding team were able to identify the accused. The petitioner was arrested on 1st October, 2021.

3. Learned counsel for the petitioner submits that it is a case of

false implication due to petitioner's involvement in three cases under the Act. It is argued that the petitioner was not apprehended from the spot. Merely on the secret information, petitioner was nominated. Investigation is complete and no further recovery is to be made from him.

4. Learned State counsel has filed custody certificate and argues that petitioner is a habitual offender and is involved in three more cases under the Act. It is argued that due to his earlier involvement in other cases under the Act the police officials were able to identify the petitioner.

5. It is clarified that the observations made hereinabove are only for deciding regular bail and shall not be construed as an expression of the opinion on the merits of the case.

6. The petitioner was not apprehended from the spot and he was nominated on the basis of secret information. It is claimed that due to his involvement in earlier cases under the Act, police officials were able to identify the petitioner, the issue with regard to his involvement in present case or of false implication would be subject matter of trial. Mere involvement of the petitioner in earlier cases under the Act would not itself be a ground to deprive his personal liberty. Though the investigation is complete but conclusion of the trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

5th April, 2022

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No