

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

CRM-M-11377-2021 (O&M)
Date of Decision:- 02.12.2022

Sarabjit Singh Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kamal Narula, Advocate, for the petitioner.

Ms. Swati Batra, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.153, dated 18.5.2020, Police Station Sadar, District Fazilka, under Section 61 of the Punjab Excise Act, 1914.
2. The case of prosecution is that a secret information was received by the police to the effect that petitioner-Sarabjit Singh as well as his brother Sandeep Singh indulged in distilling illicit liquor. Pursuant to receipt of such information a raid was conducted at their house and 25 bottles of illicit liquor apart from 100 liters of *lahan* was recovered.

3. Vide order dated 26.8.2021 the petitioner had been directed to join investigation. However, since he had not joined investigation and it had been represented by learned counsel for the petitioner that the petitioner was bed ridden, this Court had directed the Investigating Officer to conduct specific inquiries in this regard as to whether the petitioner is indeed bed ridden.
4. The State has filed an affidavit of ASI Inderjeet Singh, Investigating Officer, Police Station Sadar, Fazilka. The relevant extract of which is reproduced hereunder:

“4. AS per enquiries carried out by the deponent, it has been transpired that due to excessive and constant consumption of intoxicants, physical and mental health of the petitioner has deteriorated. The petitioner is not capable to move without support. He is undergoing regular treatment from Aasra Pharma Clinic, Fazilka. Since the petitioner is not in a position to visit police station due to his instable mental and physical health, therefore, the petitioner has joined investigation on 28.11.2022 at his residence in the presence of the deponent.”
5. A perusal of the aforesaid extract clearly show that the petitioner indeed is bed ridden and is undergoing treatment. Learned State counsel has informed that the petitioner otherwise has joined investigation and is not required for any custodial interrogation.
6. In view of the aforestated position particularly the fact that the petitioner has joined investigation and he is not stated to be required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 26.8.2021 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.

02.12.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No