

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

201

**CRM-M-15551-2022 (O&M)**

**Date of Decision: 23.08.2022**

Seeta Ram

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

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

Mr. Luvinder Sofat, DAG, Punjab,  
assisted by ASI Ranjit Singh.

**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.29 dated 31.03.2022 at Police Station Khuhi Khera, District Fazilka, under Section 61 of the Punjab Excise Act.
2. The FIR was lodged on the basis of a secret information received by the police to the effect that the petitioner used to indulge in distillation of illicit liquor. Pursuant to receipt of said information, a raid was conducted at the house of the petitioner from where 40 litres of *lahan* and 3 ¼ bottles of illicit liquor were recovered. However, the petitioner was not found at the spot.
3. At the time of notice of motion on 13.04.2022, the following order was passed:

“Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in this case on account of

party faction in the village; no recovery has been made from the petitioner's person; no other criminal case is pending against the petitioner; no further recovery is required to be made from the petitioner and that the petitioner is ready and willing to join and cooperate with the investigation.

Notice of motion.

Mr. Davinder Bir Singh, DAG, Punjab accepts notice on behalf of the respondent-State.

For arguments, adjourned to 23.08.2022.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of his arrest in FIR No. 29 dated 31.03.2022 registered under Sections 61 of the Punjab Excise Act, 1914 at Police Station Khuhi Khera, district Fazilka, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in this case and that no recovery whatsoever was effected from him or in his presence and that in these circumstances, he cannot be connected with the alleged recovery of *lahan* or illicit liquor.
4. Opposing the petition, learned State counsel has submitted that since the secret information received against the petitioner stands substantiated from recovery of *lahan* and illicit liquor from his house, his complicity is clearly evident. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation. It has also been informed that the petitioner happens to be involved in one more case registered for offence under IPC.

5. I have considered rival submissions addressed before this Court.

6. Having regard to the facts and circumstances of the case and that the petitioner otherwise has joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 13.04.2022 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.

**23.08.2022**

Vimal

**(GURVINDER SINGH GILL)**  
**JUDGE**

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

Whether reportable: **Yes/No**