

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

CRM-M-25984-2022 (O&M)
Date of Decision:- 11.7.2022

Prem Singh Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikasdeep Singh, Advocate, for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Sarabjit Singh.

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. 32 dated 18.05.2022, under Sections 61/1/14 of Excise Act, 1914 at Police Station Talwandi Chaudhrian, District Kapurthala.
2. The FIR was lodged on the basis of secret information received by the police to the effect that Prem Singh indulged in distilling illicit liquor and that in case a raid is conducted a huge quantity of *lahan* can be recovered. Pursuant to receipt of said information a raid was conducted and 1000 kgs of *lahan* was recovered which was stored in 5 drums.
3. At the time of issuance of notice of motion the following order was passed on 7.6.2022:

“Apprehending his arrest in FIR No.32 dated 18.05.2022, registered under Sections 61/1/14 of Excise Act, 1914 at Police Station Talwandi Chaudhrian, District Kapurthala, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner inter alia contends that the petitioner is said to have engaged in dealing with heavy quantity of Lahan and illicit liquor. However, he has been apprehended and booked without ascertaining the ownership of the drums of Lahan recovered which form basis of FIR.

Notice of motion for 11.07.2022.

On the asking of the Court, Mr. Sukhbeer Singh, AAG, Punjab, appears and accepts notice on behalf of the respondent-State and is not in a position to controvert the above said fact.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

4. Learned State counsel, upon instructions from ASI Sarabjit Singh, has informed that pursuant to interim directions, the petitioner has joined investigation and is not required for custodial interrogation. It has however, been informed that the petitioner happens to be involved in one more identical case.
5. Having regard to the facts and circumstances of the case particularly the fact that the petitioner 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 7.6.2022 is 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.

11.7.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No