

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

**CRM-M-45570-2021
Date of decision: 22.03.2022**

Mangat Ram alias Mangat Raj alias Manga & another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. K. S. Sodhi, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No. 176 dated 10.09.2021, registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Shahkot, District Jalandhar.

The operative part of the order dated 01.11.2021, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioners submits that as per allegations in the FIR, the police received a secret information that the petitioners, who are father and son, are indulged in the business of preparing illicit liquor. It is the further case of the prosecution that when the police party, comprising six police officials, conducted a raid on the house of the petitioners, they on seeing the police party ran away from the place of the recovery.

Learned counsel further submits that in fact the entire case of the prosecution is misplaced as the petitioners have no history of involvement in such or similar case and the manner in which the recovery has been effected, without joining any person from the locality, raises a doubt about the investigation conducted

by the police.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State and submits that after the petitioners ran away from the spot, recovery of articles meant for preparation of illicit liquor along with *Lahan* was made.

This Court, even on earlier occasions, has given directions to Punjab Police that in such type of cases, only the physically fit officials should be deputed so as the accused be nabbed at the spot, however, in the present case, it is the case of the prosecution that even petitioner No.1, who is a middle aged person, succeeded in running away from the spot despite the fact that there were six police officials with a prior information about the same.

List again on 10.12.2021.”

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 01.11.2021, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the State, on instructions from the Investigating Officer, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioners, vide order dated 01.11.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

22.03.2022

Waseem Ansari

*Whether speaking/reasoned
Whether reportable*

**(ARVIND SINGH SANGWAN)
JUDGE**

*Yes/No
Yes/No*