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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M – 51347-2023
Date of decision: 10.10.2023*Gajjan Singh**.....Petitioner**Versus**State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Vipin Mahajan, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

1) The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 65 dated 06.09.2023, registered under Sections 186, 353, 332, 148, 149 of the Indian Penal Code and Section 61 of the Punjab Excise Act, 1914, at Police Station Kalanaur, District Gurdaspur, Punjab (Annexure P-1).

2) It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. In fact, family of the petitioner is having a shop, which is rented out to a chicken vendor. The complainant (police personnel, in a civil dress), had come to eat chicken at the said shop. The petitioner is the real brother of the main accused, namely, Avtar Singh. The house of the petitioner is also situated adjacent to the said shop. At that time, the complainant had asked Avtar Singh, brother of the petitioner to arrange liquor for him. However, brother of the petitioner had refused to oblige the complainant because he had no liquor with him. This had enraged the complainant and some altercation had ensued. Thereafter, the complainant

had called the other police personnel at the spot. Since the matter was to be blown up out of proportion by the complainant, the name of the petitioner has been unnecessarily dragged in the case. However, the petitioner has played no role in the entire incident. No other case is pending against the petitioner. The petitioner shall join the investigation as and when called by the police. Therefore, the petitioner deserves to be protected against his arrest.

- 3) Notice of motion.
- 4) Mr. Sandeep Singh, Additional Advocate General, Punjab accepts the notice on behalf of the respondent - State.
- 5) It is submitted by counsel for the State, being instructed by SI Karam Chand, Pairvi Officer, District Gurdaspur that the police had received a secret information that Avtar Singh, brother of the petitioner was selling illicit liquor. A raid was conducted. However, the petitioner had obstructed the functioning of the police and had even assaulted the police personnel. Therefore, a case has rightly been registered against the petitioner. However, it is not disputed that there is no case against the petitioner.
- 6) In view of the above, but without commenting any further on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

October 10, 2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No