

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.51708 of 2023 (O&M)
DATE OF DECISION: 12th OCTOBER, 2023

Avtar Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Vipin Mahajan, Advocate,
for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.65 dated 06.09.2023 registered under Sections 186, 353, 332, 148 and 149 IPC and Section 61 of Punjab Excise Act, 1914, at Police Station Kalanaur, District Gurdaspur, Punjab.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner has not committed any crime as alleged against him. In fact, the family of the petitioner is having a shop, which is rented out to a chicken vendor. The house of the petitioner is also situated adjacent to the said shop. On the fateful day, the complainant had come to eat chicken at the shop in question, but in civil dress. There, the complainant had asked the petitioner to arrange some liquor for him. However, since the petitioner

was not having any liquor, therefore, he could not oblige the complainant. On that, the complainant got enraged and had some altercation with the petitioner. Beyond that, nothing had happened. However, thereafter the complainant had called more police officials, which harassed the petitioner and his entire family. There is no other case against the petitioner. The petitioner is ready to join the investigation as and when called by the Investigating Officer. Therefore, the petitioner deserves to be protected against his arrest.

3. Notice of motion.

4. Mr. Sandeep, Additional Advocate General, Punjab, accepts notice on behalf of the State.

5. Learned State Counsel, being instructed by ASI Vaishno Dass, has submitted that the police had received a secret information that the petitioner was selling liquor at his house. Therefore, a raid was conducted. But, the petitioner and his family members had obstructed the functioning of the police and had even assaulted the police officials. Therefore, the case has rightly been registered against the petitioner. However, it is not disputed by learned State counsel that there is no other case against the petitioner.

6. In view of the above, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that 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.

12th OCTOBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No