

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-18999 of 2016 (O&M)
Date of Decision: 03.06.2016

Rajesh Kumar @ Soni

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. D.S. Virk, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

The present petition has been filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.224 dated 13.9.2014 under sections 61/1/14 of Excise Act and Section 73 of Motor Vehicles Act, registered at Police Station, Gate Sultanwind, Amritsar.

As per prosecution version, the alleged recovery effected is of 40 bottles of illicit liquor and 144 bottles of Cash whisky. Recovery is stated to have been effected from an Indica car which was intercepted during the course of a *Nakabandi* upon receipt of a secret information and on 13.9.2014.

The Indica car that was being used was found to be using a red beacon atop. Upon seeing the police party, it is alleged that Subeg Singh @ Chintu was apprehended on the spot and the person sitting on the passenger seat had escaped.

Even though, the petitioner was not apprehended on the spot, yet, this Court is not inclined to extend in his favour the concession of anticipatory bail.

Name of the petitioner very much figured in the secret information. Even co-accused i.e. Subeg Singh @ Chintu and who was apprehended on the spot has disclosed the person sitting on the passenger seat and who escaped from the spot to be the present petitioner.

The owner of the Indica car has been traced to be Johnny son of Tilak Raj. Such Johnny i.e. owner of the Indica car is none other than a close relative of the present petitioner. It may also be noticed that even in the affidavit of the petitioner appended along with the present petition he has been identified by none other than Johnny son of Tilak Raj.

Even the antecedents of the petitioner are not clean. Learned State counsel has apprised the Court that the petitioner even in the past is involved in an F.I.R under the Excise Act and N.D.P.S Act. The F.I.R in question was registered on 13.9.2014. The application filed by the petitioner seeking concession of anticipatory bail was declined by the Sessions Court on 4.12.2014.

Petitioner has been evading the process of law all this while.

In the totality of the circumstances, prayer made in the petition is declined.

Petition, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

03.06.2016
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