

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M-27930 of 2017 (O&M)
Date of Decision: August 18, 2017.**

Jagir Chand and another

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vipin Mahajan, Advocate
for the petitioner (s).

Ms. Rajni Gupta, Senior D.A.G. Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.0017 dated 13.04.2017 registered for the offences punishable under Sections 186, 353, 332 of Indian Penal Code and Section 61 of Punjab Excise Act, at Police Station Kalanaur, District Gurdaspur.

Heard.

As per the case of prosecution, a raid was conducted at the house of petitioner Jagir Chand on receipt of secret information that he was distilling illicit liquor by operating on a working still. When the police party raided the house of petitioner Jagir Chand, he was found operating a working still and on seeing the police party, he started using abusive language and called his son and daughter and exhorted them to resist the attempt by police party to conduct the raid. The working still was dismantled by them and some articles were removed from the spot. Head

Constable Gurnam Singh was caused injuries and the dress of ASI Gobind Parsad was torn.

Learned counsel for the petitioners submits that the version as given in the FIR is not probable. It is not possible that in the presence of police party, the working still was dismantled and articles were taken away by the petitioners.

Learned State counsel on instructions from ASI Lakhwinder Singh submits that the process to declare the petitioners as proclaimed offenders has been initiated. They have attacked the police party and caused injuries to members of the raiding party which show their conduct and defiance rendering them ineligible to seek anticipatory bail.

On giving a careful thought to submissions of counsel for the petitioner and learned State counsel, I do not find any reason to disbelieve the version incorporated in the FIR at this stage. If the police party had gone to conduct the raid, it would not have manipulated the version that working still was dismantled. The injuries on the person of Head Constable Gurnam Singh could also not be fabricated.

Keeping in view the above facts, I do not find it to be a fit case, where the discretionary power of this Court should be exercised to allow the anticipatory bail to the petitioner.

This petition has no merits. Dismissed.

(SURINDER GUPTA)
JUDGE

August 18, 2017
Sachin M.

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***