

Gurlal Singh @ Kali

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Jagraj Singh Khiva, Advocate
for the petitioner

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of anticipatory bail in case FIR No. 31 dated 01.03.2019 registered under Sections 61 of the Punjab Excise Act, 1914 at Police Station Boha, District Mansa.

According to the FIR, the petitioner was seen riding a motorcycle by the police party and was identified by a Head Constable. On seeing the police party, the petitioner fled through the fields after throwing his motorcycle in it. A total of 96 bottles of country made liquor were recovered from the saddle bags attached with the motorcycle.

Learned counsel for the petitioner submits that the identification by the police is doubtful because it is not the case of the prosecution that the Head Constable concerned knew the petitioner earlier. Thus, the petitioner may be granted anticipatory bail.

The argument is misconceived. A perusal of the order passed by the learned Additional Sessions Judge, Mansa shows that there are other cases registered against the petitioner under the Punjab Excise Act, 1914 and one under the various provisions of the IPC. Thus, it is not unlikely that the concerned Head

Constable recognized the petitioner. The fact that there are four other criminal

cases pending against the petitioner also disentitles him to grant of discretionary relief.

For the aforesaid reasons, the petition is dismissed, however, with liberty to the petitioner to surrender before the trial Court and seek regular bail. In case the petitioner does so, the trial Court shall decide the bail application within 10 days.

April 01, 2019

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No