

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

**CRM No. M-13160 of 2020 (O&M)
Date of Decision : 29.05.2020**

Raju @ Ghora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. A.S. Manaise, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

CRM-11488 of 2020

This is an application for exemption from filing Court fee in the case.

Application is allowed as prayed for.

CRM No. M-13160 of 2020

The petition has been taken for hearing through video conference due to Covid-19 pandemic.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in respect of FIR No.23 dated 14.03.2020, under Section 61 of the Punjab Excise Act, 1914 registered at Police Station Shri Hargobindpur, Batala, District Gurdaspur.

Learned counsel for the petitioner argues that the petitioner has been falsely implicated in respect of the allegations made in the present FIR and the petitioner is innocent and recovery has been shown to be done from

the house of the petitioner. Learned counsel for the petitioner states that nothing is to be recovered from the petitioner and, therefore, the petitioner is entitled for the grant of concession of anticipatory bail.

Mr. Ajay Pal Singh Gill, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of the petition on behalf of State of Punjab, argues that the petitioner is a habitual offender and apart from the present FIR, four other FIRs have been registered against him under the Excise Act and, therefore, the petitioner is not entitled for the concession of anticipatory bail as being prayed by him.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

From the record, prima facie, it transpires that petitioner is a habitual offender. Details of the FIRs, apart from the present FIR, in which the petitioner is accused have been given in paragraph-8 of the order dated 20.04.2020 (Annexure P-1) passed by the Additional Districts and Sessions Judge, Gurdaspur (duty) by which the prayer for the grant of anticipatory bail has been rejected. Said fact has not been rebutted by the learned counsel for the petitioner.

Keeping in view the fact that petitioner is a habitual offender and concession of anticipatory bail granted to him in the earlier cases has served no deterrent and petitioner is indulging in illegal activities again and again, therefore, the concession of anticipatory bail as being prayed by him is declined.

No interference in the impugned order 20.04.2020 (Annexure

P-1) passed by Additional Districts and Sessions Judge Gurdaspur (Duty) is made out.

Dismissed.

Nothing mentioned in this order will be taken as an expression of opinion on the merits of the case.

May 29, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No