

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

**CRM-M No.18867 of 2020 (O&M)
Date of Decision: 27.10.2020**

Davinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Amandeep Chhabra, Advocate,
 for the petitioner.

 Mr. A.S.Sandhu, Additional Advocate General, Punjab.

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TEJINDER SINGH DHINDSA.J (ORAL)

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition was filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.96, dated 25.06.2020, under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Nehianwala, District Bathinda.

Petition came up for preliminary hearing before this Court on 16.07.2020 and the following order was passed:-

“This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner seeks concession of pre-arrest bail in case FIR No.96 dated 25.06.2020, under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Nehianwala, District Bathinda.

As per prosecution version, based on secret information a raid was conducted and 110 liters of Lahan was recovered from the house of the petitioner. Counsel contends that it is a case of false implication. No independent witness has been associated. In any event the alleged recovery already stands effected and the petitioner is ready and willing to join investigation.

Notice of motion returnable for 08.09.2020.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

Thereafter, on 08.09.2020, Mr. A.S.Sandhu, Additional Advocate General, Punjab had opposed the prayer for grant of anticipatory bail by submitting that false averments have been made in the petition and the petitioner is involved in a number of other FIRs.

A status report by way of an affidavit dated 22.09.2020 of Sh. Ashok Kumar Sharma, PPS, DSP, Bhuchio, Bathinda has been placed on record. Complete copy has been furnished to counsel opposite.

In para 3 of the status report, it has been averred that the petitioner is a habitual offender and is involved in a number of FIRs and the

details of which are as follows.

- a) *FIR No.66 dated 14.06.2010 u/s 15, 61, 85 NDPS Act, PS: Nehianwala, District Bathinda.*
- b) *FIR No. 17 dated 16.02.2015 u/s 61/1/14 of Excise Act, PS: Jaitu, District Faridkot.*
- c) *FIR No. 71 u/s 61/1/14 of Excise Act, PS: Nehianwala, District Bathinda.*
- d) *FIR No.111 dated 08.08.2019 u/s 15, 61, 85 NDPS Act, PS: Nehianwala.*
- e) *FIR No.37 dated 03.03.2020 u/s 61/1/14 of Excise Act, PS: Nehianwala, District Bathinda.*
- f) *FIR No.96 dated 25.06.2020 u/s 61/1/14 of Excise Act, PS: Nehianwala, District Bathinda (present).*
- g) *FIR No.163 dated 14.09.2020 u/s 61/1/14 of Excise Act, PS: Nehianwala, District Bathinda.”*

Such assertion made in the status report has not been rebutted by counsel for the petitioner.

To the contrary, it may be noticed that in paras 10, 11 and 12 of the instant petition, it had been averred that no other case is pending or registered against the petitioner. The petitioner has deliberately misled this Court.

Conduct of the petitioner dis-entitles him from the concession of pre-arrest bail.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

October 27, 2020
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |