

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

(Proceedings conducted through video conferencing)

CRM-M No. 18895 of 2020(O&M)

Date of decision: 23.7.2020

Baldev Singh @ Bindha

....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of bail in anticipation of arrest in FIR No.71 dated 02.07.2020 registered at Police Station Nandgarh, , District Bathinda for offence punishable under Section 61 of Punjab Excise Act, 1914 (in short 'the Excise Act').

The allegations against the petitioner are that on 02.07.2020, on receipt of secret information that petitioner was indulging in sale of liquor by bringing the same from Haryana, when the police conducted raid at the disclosed place, the petitioner left the incriminating material and fled away. He was identified by C. Harpreet Singh. From 8 plastic sacks (bags) left by the petitioner, 288 bottles of 750 ML each of country-made liquor were recovered.

Counsel for the petitioner would argue that alleged recovery has already been effected. A false case has been registered against the petitioner as earlier he was booked in cases under the Excise Act and the Narcotic Drugs & Psychotropic Substances Act, 1985 (in short 'NDPS

Act'). The last submission made by counsel is that the petitioner is ready to join investigation and co-operate throughout.

Counsel representing State of Punjab, on the contrary, would argue that petitioner cannot seek concession of bail in anticipation of arrest merely because he left the spot on seeing the police party. It is further argued that there are three more cases registered against the petitioner under the Excise Act and NDPS Act, pending trial.

Taking into consideration the allegations against the petitioner coupled with history that earlier also he was booked under the Excise Act and NDPS Act, I do not think it to be a fit case where the petitioner deserves indulgence of this Court for grant of bail in anticipation of arrest, a concession to be allowed by the Court in case a false case has been registered out of political vendetta or for extraneous considerations.

Dismissed.

JULY 23, 2020

'D. Gulati'

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no