

In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

CRM-M- 19852 of 2020

Date of Decision: 28.7.2020

Sukhjit Singh

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Harshit Jain, Advocate
for the petitioner

Ms. Monika Jalota, DAG, Punjab

Rekha Mittal, J.

The petitioner prays for grant of bail in anticipation of arrest in FIR No. 188 dated 25.6.2020 registered at Police Station, Patran, District Patiala for offence punishable under Section 61 of the Punjab Excise Act, 1914 (in short “the 1914 Act”).

Counsel for the petitioner would argue that petitioner has been indicted in the crime on the basis of statement made by co-accused, evidentiary value whereof would be a moot point during trial. It is further argued that alleged recovery has already been effected and petitioner is ready to join investigation and co-operate throughout.

Counsel representing State of Punjab would inform that due to Covid-19 pandemic it could not be confirmed if the car used in carrying incriminating material belongs to the petitioner or otherwise. However, she would inform that there are nine criminal cases registered against the

petitioner out of which some of the cases are under the 1914 Act and Narcotic and Psychotropic Substances Act, 1985.

Counsel for the petitioner, in reply, would concede to the factum of criminal cases against the petitioner. However, he has expressed his apology for making a wrong statement in para 10 of the petition.

The petitioner is guilty of making mis-statement of facts on a material question with regard to registration of any other criminal case against him. A relevant extract from para 10 of the petition, reads as follows:-

“That there is no other case under 61, 1, 14 of Punjab Excise Act, 1914 or under the NDPS is registered except the present case.”

Perusal of order dated 22.7.2020 would reveal that despite counsel representing State of Punjab raised an issue with regard to registration of criminal cases against the petitioner, the petitioner till date never filed an application for deleting para 10 of the petition.

Taking into consideration conduct of the petitioner, he is not entitle to concession of bail in anticipation of arrest, a discretionary relief to be allowed by the Court in the given facts and circumstances.

(Rekha Mittal)
Judge

28.7.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No