

Sr.No.101

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

**CRM-M-36208 of 2020
Date of decision:09.11.2020**

Harjinder Singh @ Binder

... Petitioner(s)

versus

State of Punjab

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Sumeet Singh Brar, Advocate
for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in FIR No.206, dated 03.10.2020 registered under Sections 61, 78 of the Punjab Excise Act, at Police Station Talwandi Sabo, District Bahinda.

On 05.11.2020 this Court put a query to the petitioner with regard to his involvement in this case or not but learned counsel for the petitioner was not in a position to state anything in this regard. Therefore, learned State counsel was asked to seek instructions with regard to the same and to assist the Court.

Learned counsel for the petitioner has argued that in the present case the petitioner was falsely implicated in view of the fact that he was nominated on the basis of disclosure statement of Gurpreet Singh who was caught on the spot and therefore, he is entitled for grant of antiticipatory bail.

He has further submitted that since the disclosure statement has no evidentiary value therefore, he could not have been roped up in the present case on the basis of disclosure statement.

Notice of motion.

On asking of the Court, Mr. H.S.Sitta, AAG, Punjab accepts notice on behalf of the State.

On the other hand, learned State counsel on instructions from ASI Gurdas Singh has submitted that there is another FIR No.1 of 2019 at Police Station Sadar, District Bathinda in which there was recovery of 439 boxes of liquor from the petitioner and in which he is under trial before the learned trial court. He has further submitted that the menace of illicit liquor in the State of Punjab was on the rise and in view of the fact that petitioner was involved in the earlier case where large quantity of liquor was seized from him, petitioner is not entitled for grant of anticipatory bail.

I have heard the learned counsel for the parties.

There is no doubt that in the State of Punjab there was big menace of liquor trade and apart from that the State of Punjab has also witnessed the sale of illicit liquor in this year and many lives were lost. Petitioner is involved in another FIR wherein 439 boxes of liquor were allegedly recovered from him and in the present case although it was on the basis of disclosure statement but the main accused namely Gurpreet Singh was apprehended with 30 boxes of illicit liquor from Haryana. Learned counsel for the petitioner has submitted that the said Gurpreet Singh from whom the recovery was made had been granted regular bail by the learned Trial Court would not be of much significance. However, present case is a case of anticipatory bail where the custodial investigation would be of much

significance especially in view of the fact that the petitioner was invovled in another case where huge quantity of liquor was recovered from the petitioner. Consequently, this Court finds no merit in the present case and the same is hereby dismissed.

However, nothing stated hereinabove, shall be construed to be an expression on the merits of the case.

9th November, 2020
Shivani Kaushik

[JASGURPREET SINGH PURI]
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
Whether Reportable	Yes/No