

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

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CRM-M-37425-2020 (O&M)

Date of decision : 12.11.2020.

Ram Pal

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Karan Gupta, Advocate, for the petitioner.
Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.298 dated 22.10.2020 under Section 61 Punjab Excise Act, 1914 registered at Police Station Dinanagar, District Gurdaspur.

The allegations in the FIR are that a police party headed by ASI Baldev Singh was going from Police Station towards Jhangi Sarup Dass Gharota Bypass Deeda Sansian etc. in connection with routine patrolling. When the police party reached near the turn of village Gharota, a secret information was received that Ram Pal, petitioner herein, was bringing huge quantity of illicit liquor from Chhanni Beli (Himachal Pradesh) on his Activa bearing No.PB-06-AF-0822 and if Nakabandi was done recovery of illicit liquor could be effected. Thereafter, ASI Baldev Singh alongwith police party set up the Nakabandi at Gharota Chowk Bypass and started checking the vehicles. After some time a person with short hair was seen coming on his Activa bearing registration No. PB-06-AF-0822 from the side of Pathankot. On noticing the police party he

stopped the Aactiva 20 yards before the place of Nakabandi and fled from the spot. The said person was Ram Pal (petitioner) and he was known to ASI Baldev Singh.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the case and that the story put forth by the prosecution is highly improbable inasmuch as if he had to run he would have escaped on his Aactiva rather than leaving it behind.

On the asking of the Court, Mr. Ramandeep Sandhu, Senior Deputy Advocate General, Punjab has joined the session through video conferencing (VC). On instructions from ASI Ramesh Kumar, he has stated that on seeing the Nakabandi the petitioner had fled from the spot leaving the Aactiva behind. The recovery in the present case is 86 bottles of 750 ml each of illicit liquor. He has further stated that the petitioner in the present case is a habitual offender and there are two other cases registered against him at Dinanagar being FIR No.01 dated 09.01.2016 and FIR No.82 dated 26.02.2016 under Section 61 of the Punjab Excise Act, 1914.

I have heard learned counsel for the parties.

In the present case, there has been a huge recovery of illicit liquor i.e. 86 bottles (750 ml each). The petitioner is alleged to have fled from the spot leaving his Aactiva behind. The petitioner had earlier also been involved in the two other FIRs under Section 61 of the Punjab Excise Act, 1914. Learned counsel for the petitioner is not in a position to deny the fact that this is the third FIR registered against the petitioner under the Punjab Excise Act, 1914.

Keeping in view the previous record of the petitioner and the large recovery of illicit liquor, I do not deem this to be a fit case for grant of anticipatory bail.

Dismissed.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

November 12, 2020
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(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Yes/No

Whether reportable: Yes/No