103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.42081 of 2020
Date of Decision : 16.12.2020

Gursharan Singh …Petitioner

Versus

State of Punjab ….Respondent

**Coram : Hon'ble Mr. Justice B.S. Walia**

Present : Mr. Anil Chawla, Advocate for the petitioner.

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**B.S. Walia, J. (VC)**

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.323 dated 28.11.2020 registered under Section 61 Punjab Excise Act, 1914 at Police Station Chattiwind, District Amritsar.

3. Learned counsel contends that the petitioner has been falsely implicated, alleged recovery has already been effected and the petitioner is ready to join investigation.

4. Notice of motion.

5. Ms. Monika Jalota, DAG, Punjab accepts notice and on instructions from *ASI Jagtar Singh* states that the petitioner is a habitual offender and that FIR No.36 dated 16.04.2015 under Section 61 Excise Act, 1914, Police Station Maqboolpura, FIR No.92 dated 01.09.2013 under Section 61 Excise Act, 1914, Police Station, C-Division, Amritsar and FIR

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No.58 dated 30.05.2013 under NDPS Act, 1985 Police Station, C-Division, Amritsar were registered against the petitioner. However, he has been acquitted in FIR Nos.58 &92 of 2013 but is facing trial in FIR No.36 of 2015, besides on raid being conducted at the house of the petitioner, 450 litresof *lahan*in 03 drums alongwith working still was recovered while the petitioner managed to flee from the spot, therefore, custodial interrogation of the petitioner is essential, consequentially, the petitioner is not entitled to grant of pre-arrest bail.

6. Learned counsel for the petitioner relies on the decision in CRM-M No.25171 of 2020 in case titled as '***Sukhdev Singh @ Sukha****versus****State of Punjab***', in which 1000 liters of *lahan*was recovered from the house of the petitioner but the petitioner therein was released on anticipatory bail.

7. I have considered the submissions of learned counsel for the parties.

8. In the case relied upon, it was the categorical stand of the petitioner that no equipment for preparation of *lahan*was recovered from the spot whereas in the instant case, working still as also 03 drums containing 150 ltrs. of *lahan* in each drum, total 450 ltrs. of *lahan*has been recovered from the house of the petitioner. Moreover, the petitioner is involved in FIR No.36 of 2015 registered under Section 61,Excise Act, 1914 at Police Station Maqboolpura, in which he is facing trial and was released on bail, however, while on bail, the petitioner has again been booked under Section 61 Excise Act, 1914 vide FIR No.323 dated

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28.11.2020.

9. Taking into account all aspects of the matter, I am of the considered view that no case is made out for grant of anticipatory bail. Accordingly, finding no merit in the case, the prayer for grant of anticipatory bail is rejected and the petition stands ***dismissed***. However, nothing stated hereinabove, shall be taken as an expression of opinion on the merits of the case.

**(B.S. Walia)**
**Judge**

**December 16, 2020**
*'Rajneesh-Amit'*

*Whether speaking/ reasoned : Yes/No*
*Whether reportable : Yes/No*

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