IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 103 CRM-M-4925-2021

Date of decision : 08.03.2021

Shamsher Singh @ Sheru ..... Petitioner

VERSUS

State of Punjab ..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Randeep Singh, Advocate, for
Mr.Vipin Mahajan, Advocate, the petitioner.

Ms.Rashmi Attri, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.224, dated 08.09.2020, registered under Section 61 of the Excise Act, 1914, at Police Station Shri Hargobindpur, district Gurdaspur, Punjab.

Briefly stated, the case of the prosecution is that on 08.09.2020 the police received a secret information that the petitioner was indulging in the business of distilling and selling of illicit liquor. Acting on such information the police raided the petitioner's house and recovered 40 bottles of illicit liquor.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; there is no recovery of any illicit liquor from the person of the petitioner; the police has been registering false cases against the petitioner due to political enmity and that the petitioner is ready and willing to join the investigation as and when called by the investigating agency.

Learned State counsel, who appears on advance notice, opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner is

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a habitual offender having four criminal cases of similar nature pending against him and that his custodial interrogation is required to find out the mode and manner in which he is indulging in distilling and selling of illicit liquor.

Admittedly, in addition to the present case the petitioner is involved in three other criminal cases of similar nature in which he is also accused of distilling and selling of illicit liquor and that while on bail in these three cases he is alleged to have committed the crime which is the subject matter of the present case. Thus, he has misused the concession of bail so granted to him earlier.

In view of the above and for the reason that the crime that the petitioner is alleged to have committed affects the public at large as also because the State needs to interrogate the petitioner with regard to the mode and manner in which he is distilling and selling illicit liquor as also who else are involved in such crime, no merit is found in the present petition.

Dismissed.

08.03.2021 [DEEPAK SIBAL]
shamsher JUDGE

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

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