

CRM-M No. 18793 of 2021 (O&M)

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 18793 of 2021 (O&M)

DATE OF DECISION: 18.05.2021

Kuldeep Singh @ Happy

.....Petitioner

Versus

State of Punjab

.....Respondent

(Heard through Video Conferencing)

CORAM:- HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Naveen Sharma, Advocate
for the petitioner.

MEENAKSHI I. MEHTA, J. (ORAL)

CRM No. 14531 of 2021

This application has been moved for placing the copy of the order dated 20.4.2021, passed by Judicial Magistrate Ist Class, Ludhiana, on the record as Annexure P-4.

Notice in the application.

Ms.Rashmi Attri, AAG Punjab, who has joined the proceedings in pursuance of the copy of this application having been sent to the respondent-State in advance, accepts the notice. She has no objection in allowing this application.

Keeping in view the above-said fact as well as the reasons as

mentioned in the instant application, the same is allowed and Annexure P-4 is taken on the record.

CRM-M No. 18793 of 2021

The petitioner seeks the relief of anticipatory bail in the criminal case registered at Police Station Sahnewal, District Ludhiana vide FIR No. 11 dated 22.1.2021 under Sections 61 and 78(2) of the Punjab Excise Act, 1914.

Bereft of unnecessary details, the allegations, as levelled in the instant case, are that on receipt of a secret information regarding the present petitioner and his co-accused having been indulging in transporting the liquor to and supplying the same in the State of Punjab after purchasing it from Chandigarh and Haryana, the police party held a 'Naka' (Checking Point) and noticed the vehicle bearing registration No. PB-11BU 4136 coming and though its driver tried to reverse it but could not do so due to the flow of traffic and he was apprehended but the petitioner and his other co-accused succeeded in fleeing away from the spot and the search of the said vehicle resulted in the recovery of 60 boxes of country made liquor and the disclosure statement of the arrested co-accused of the petitioner resulted in the discovery of 100 more boxes of such liquor.

Notice of motion.

Ms.Rashmi Attri, AAG Punjab, who has joined the proceedings in this case in pursuance of the copy of this petition having been sent to the respondent-State in advance, accepts the notice.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have perused the file

thoroughly.

Learned counsel for the petitioner contends that the petitioner had remained in custody in the criminal case, arising out of FIR No. 23 of 2021, during the period from 14.4.2021 till 20.4.2021, i.e. the date when he was ordered to be released on bail vide Annexure P-4, but the police did not join him in the investigation of the present case during the said period and now, after his release on bail in the afore-said case, the police mala-fidely intends to arrest him in this case whereas he has no concern with the afore-alleged recovery of liquor and has, rather, been falsely implicated in this case.

Per-contra, learned State counsel argues that the petitioner has been indulging in smuggling the liquor from other States, i.e. U.T, Chandigarh and Haryana and supplying the same in Punjab and besides the present case, he is also involved in three more cases of the similar nature and therefore, he does not deserve the relief as prayed for in this petition.

Though it has been categorically mentioned in para No.4 in the said order dated 20.04.2021, i.e. Annexure P-4, that the petitioner had been in custody in the said case since 14.4.2021 but however, the fact remains that the present case pertains to a different occurrence of the alleged recovery of the liquor and is, therefore, supposed to be investigated separately in the given set of its own facts and circumstances. Learned counsel for the petitioner has not been able to refer to any legal provision or case law to show that it was mandatory for the police to conduct the investigation in this case and to join the petitioner therein during the afore-said period of his custody in the afore-mentioned case.

In view of the foregoing discussion and also the fact that besides the case in hand, the petitioner is involved in three more cases of the identical nature, this Court is of the considered opinion that he does not deserve the concession of anticipatory bail.

Resultantly, the present petition is hereby dismissed.

May 18, 2021
pooja

(MEENAKSHI I. MEHTA)
JUDGE

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