

CRM-M No. 18787 of 2021

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 18787 of 2021

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.

Ms. Rashmi Attri, AAG, Punjab.

MEENAKSHI I. MEHTA, J. (ORAL)

Apprehending his arrest in the criminal case as registered at Police Station Sahnewal, District Ludhiana vide FIR No. 12 dated 22.1.2021 under Sections 61 and 78(2) of the Punjab Excise Act, 1914 as well as Sections 468 and 473 IPC, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Shorn and short of unnecessary details, the allegations as levelled in the instant case, are that on receipt of a secret information regarding one Deepak Singh and Mahinder Singh @ Balli having been indulging in the purchase of liquor from Chandigarh and Haryana and

transporting and supplying the same in Punjab, the police party held 'Naka' (Checking Point) and intercepted the Santro Car bearing registration No. PB-10BD-7266 and apprehended both its above-named occupants. During the search of the said vehicle, 27 boxes of liquor, each containing 12 bottles of Whisky meant for sale in Chandigarh only, were recovered. During his interrogation, said Mahinder Singh @ Balli suffered a disclosure statement regarding his having purchased the liquor from the petitioner and also qua the factum of the petitioner being the owner of the said car.

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 order dated 20.4.2021, 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 as disclosed by his co-accused Mahinder Singh @ Balli, the vehicle/car

found to be carrying the liquor, also belongs to the petitioner 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 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
Whether reportable

Yes/No
Yes/No