

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.202

CRM-M No.24950 of 2021

Date of Decision: 15th July, 2021.

Baljinder Singh @ Gaggi

...Petitioner

Versus

State of Punjab

...Respondent

(Heard through Video-Conferencing)

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

Present: Mr. Rahul Arora, Advocate,
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

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MEENAKSHI I. MEHTA, J. (ORAL)

Apprehending his arrest in the criminal case arising out of the FIR bearing No.51 dated 03.06.2021 registered at Police Station Kulgarhi, District Ferozepur, under Section 61 of the Punjab Excise Act, 1914, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

The allegations, in brief, as levelled in the present case, are that the police party headed by HC Jagtar Singh received a secret information that the petitioner, along-with his co-accused who also happens to be his brother, was in the habit of distilling illicit liquor and selling the same and when the police party conducted a raid at his house, he managed to flee away from the spot whereas his co-accused

named Ravinder @ Manha was nabbed by the police and 150 litres lahan, 5 ¼ bottles of illicit liquor as well as the utensils used in the working still were recovered from the spot.

Status-report, by way of the affidavit of the Deputy Superintendent of Police (Rural), Ferozepur, has already been filed on behalf of the respondent-State.

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

Learned counsel for the petitioner contends that despite there being a secret information regarding the alleged involvement of the petitioner in the crime, no independent witness from the public was joined in the raiding party and this fact itself shows the false implication of the petitioner in this case and moreover, nothing is to be recovered from him and therefore, he deserves the relief as prayed for in this petition.

However, learned State counsel argues that at the time of the raid conducted at their house, the petitioner as well as his above-named co-accused were found operating the still for distilling the illicit liquor but the petitioner managed to escape from the spot and in these circumstances, this petition deserves rejection/dismissal.

As regards the contention of learned counsel for the petitioner qua the non-joinder of any independent witness in the raiding party, the same does not suffice at all, at this stage, to show

the false implication of the petitioner in the case and rather, this contention can and shall be looked into and adjudicated upon by the trial court at the appropriate stage while evaluating the evidence as would be led on the record during the course of the trial.

Moreover, as specifically mentioned in para 3 of the status-report, the raiding party had noticed two persons in the house of the petitioner and one of them was found igniting the working still and the other one was pouring the water and the petitioner, who was cautioned by his said co-accused to run away, had fled away from the spot whereas his co-accused was apprehended while trying to escape from there and the above-said quantity of lahan, illicit liquor as well as the equipments used for working still, were recovered from the spot.

Further, even if nothing remains to be recovered for the purpose of investigation of this case, even then, keeping in view the nature of the offence alleged to have been committed by the petitioner, this Court is of the considered opinion that he does not deserve the relief of anticipatory bail.

As a sequel to the foregoing discussion, it follows that the instant petition deserves dismissal. Resultantly, the same stands dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

15.07.2021.
seema

Whether speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No