

**101 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-35722-2021
Date of decision :01.09.2021**

Harjinder Singh @ Jinda

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ranjodh Singh Sidhu, Advocate for the petitioner.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a first petition filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.149 dated 13.09.2020 under Section 61 of the Punjab Excise Act, 1994 registered at Police Station Gharinda, District Amritsar.

As per the prosecution case secret information was received by ASI Sukhwinder Singh and thereafter raid was conducted by four police officials at the house of the petitioner from where 100 Kgs '*Lahan*' contained in two separate plastic canes of 50 Kgs each were recovered. It is the case of the prosecution that on seeing the police party, the petitioner managed to flee away.

Learned counsel for the petitioner has submitted that another similar case was registered in case FIR No.133 dated 25.08.2020 (P-3) and thus, the question of his repeating the offence within a period of one month does not arise.

This Court has heard the parties but however, does not find any merit in the said argument in fact, the registration of another FIR No.133

dated 25.08.2020 (P-3) also goes against the petitioner inasmuch as, it prima facie shows that the petitioner is indulging in the illegal activity repeatedly. Moreover, as per the prosecution version the recovery has been made from the house of the petitioner to which there is no explanation.

Keeping in view the above-said facts, the custodial interrogation of the petitioner is required and thus, the present petition is dismissed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case.

(VIKAS BAHL)
JUDGE

01.09.2021
JITESH (JTS)

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