

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

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**CRM-M No. 42552 of 2020
Date of Decision: 05.01.2021**

Charanjit Singh @ Chan

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Yaseen Sethi, Advocate for Mr. Varinder Basa, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

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Avneesh Jhingan, J. (Oral)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for grant of anticipatory bail in FIR No. 124 dated 30.8.2020, under Section 61 of the Punjab Excise Act, 1914 (for short, 'the Act') registered at Police Station, Qila Lal Singh, District Gurdaspur.

As per the FIR, a secret information was received that Charanjit Singh alias Chan, resident of Damodar is habitual of distilling and selling illicit liquor and if a raid is conducted, there would be recovery of illicit liquor or lahan. The information was acted upon. The petitioner was at home but managed to escape, however 100 kgs. of lahan and 45 bottles of illicit liquor were recovered from a plastic Can.

Learned counsel for the petitioner argues that no recovery is to be made. The story put forth is highly improbable, it is very difficult for a person to escape from the raiding police party who had a secret information.

Learned counsel for the State contends that the petitioner is a

habitual offender. There are following five other FIRs in which he is on bail and every time he has misutilised the concession of bail.

Sr. No.	FIR Number	Offence	Police Station
1.	49 of 20/06/2017	61 of Punjab Excise Act	Qila Lal Singh
2.	49 of 21/07/2018	61 of Punjab Excise Act	Qila Lal Singh
3.	44 of 19/05/2020	61 of Punjab Excise Act	Qila Lal Singh
4.	100 of 01/08/2020	61 of Punjab Excise Act	Qila Lal Singh
5.	75 of 27/06/2020	61 of Punjab Excise Act	Qila Lal Singh

It is further submitted that the petitioner ran away from the roof of the house hence could not be apprehended on the spot.

It is not disputed by learned counsel for the petitioner that the raided house belonged to the petitioner. There is not even a vague reason for alleging that the alleged recovery of 100 kgs. of lahan and 45 bottles of illicit liquor was planted on the petitioner. Pendency of the earlier cases may not itself be a ground to deny anticipatory bail to the petitioner. However, considering that every time the petitioner misutilised the concession of bail as from the dates of FIRs, it is apparent that he is consistently involved in such activities from 2017 to 2020 under the Act. No case is made out for pre-arrest bail.

The petition is dismissed.

(AVNEESH JHINGAN)
JUDGE

05.01.2021
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Whether speaking/reasoned	Ye
Whether reportable	No