

CRM-M-8298-2022 (O&M)

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

**CRM-M-8298-2022 .
Decided on: February 25, 2022.**

Karamjit Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Gurcharan Dass, Advocate,
for the petitioner.**

Mr.Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present second petition has been filed under Section 438 of the Code of Criminal Procedure, for the grant of anticipatory bail in FIR No.121 dated 4.7.2021, under Section 61 of the Punjab Excise Act, 1914 (Sections 420, 468, 471 and 120-B IPC added later on), registered at Police Station Sahnewal, District Ludhiana.

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At the outset, on a query being put to learned counsel for the petitioner as to how the present petition was maintainable once the petitioner had withdrawn the anticipatory bail application vide order dated 22.2.2022 (Annexure P-7) and the present petition has been filed on the very next day i.e. on 23.2.2022, he has submitted that, in fact, the matter was taken up through video conference and he had made a request for withdrawal with liberty to file a fresh petition with better particulars in view of the fact that all the sections were not mentioned in the headnote of the petition. However, due to some inadvertence or communication gap due to video conference, the same was not incorporated in the order.

Since the petitioner has submitted that on account of some communication difficulty due to video conference, the fact seeking liberty could not be conveyed to the Court, this Court deems it fit and proper that it will be in the interest of justice, due to aforesaid factual position, to consider this case on merits.

As per the FIR, when the police party got secret information from a special informer that Jaswant Singh alias Jagga son of Baldev Krishan and Sanju used to supply liquor in huge quantity in Ludhiana city and have kept liquor in huge quantity in the godown of Harmohan Singh near Volkswagon Agency, Delhi Road and they have no license or permit to sell liquor and if a raid be conducted, then huge quantity of liquor can be recovered and therefore, after following the proper procedure, the FIR was registered and the premises were raided and there

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was recovery of 172 boxes of liquor without label, 176 boxes of liquor brand Royal Tiger and 222 boxes of liquor brand Punjab Cash Whisky. In this way, there was a total recovery of 570 boxes of liquor of different brands and during investigation offence under Sections 420, 468, 471 and 120-B IPC were added, because it was found that accused had fixed fake labels of Royal Tiger.

Learned counsel for the petitioner has submitted that petitioner is not the owner of the premises from where the recovery has been made and as per the prosecution, he has been shown to be the tenant of the premises. However, the petitioner was, in fact, never the tenant of the premises and the rent deed which has been attached as Annexure P-4 was also not genuine and the signatures of the petitioner were forged on the same. He has submitted that in view of the aforesaid factual position, the petitioner may be considered for the grant of anticipatory bail.

On the other hand, learned State counsel has submitted that he has received an advance copy of the present petition and has also perused the same and has also sought instructions from the investigating officer SHO Sewa Singh, Police Station, Sahnewal, District Ludhiana. He submitted that he has instructions to state that it was a case where the petitioner was a tenant of the premises where the raid was conducted and he was overall incharge of the liquor which was found there. He submitted that it was a case of huge recovery of 570 boxes of liquor of different brands and apart from the same, the labels which were affixed on the bottles were also

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fake and therefore, the provisions of Sections 420, 468, 471 and 120-B IPC were added during the course of investigation. He submitted that the petitioner does not have clean antecedents and he was earlier also involved in a case under the Excise Act and in that case also, huge recovery was effected from vehicles although the petitioner had filed an anticipatory bail application before this Court in which he was granted interim bail. He further submitted that the petitioner has repeated the offence pertaining to the same nature and in view of the antecedents as well as the huge recovery of liquor aforestated, the petitioner does not deserve the concession of anticipatory bail.

I have heard the learned counsel for the parties.

The recovery in the present case was 570 boxes of liquor of different brands and as per the prosecution fake labels were affixed on the bottles. The petitioner as per prosecution was the tenant of the godown from where he was doing the present operation of possessing and selling the liquor. Rent deed attached with the paper book as Annexure P-4, shows that the petitioner has taken two rooms on rent from one Harmohan Singh. The argument raised by the learned counsel for the petitioner that the rent deed was not genuine would also be a matter of investigation and no presumption can be drawn, at this stage, regarding the genuineness of the rent deed. As per State counsel, the petitioner is also involved in another case pertaining to Excise Act, which was lodged prior to the present FIR although the petitioner is on bail in that case. Therefore, considering the alleged huge

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recovery from the godown and the antecedents of the petitioner, this Court does not deem it fit and proper to grant the concession of anticipatory bail to the petitioner. Consequently, finding no merit in the the present petition, the same is, hereby, dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

February 25, 2022.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No