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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19940-2022 (O&M)
Date of Decision:11.05.2022

Jaspal Masih

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

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

...

Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.34 dated 15.04.2022 registered under Section 61 Punjab Excise Act, 1914 at Police Station Rangar Nangal, District Batala, Gurdaspur, who apprehends his arrest at the hands of Police.

The FIR was registered on the basis of secret information and the allegations as noticed by the Id. Addl. Sessions Judge, Gurdaspur in the order dated 30.04.2022 are as under:

“As per the contents of FIR, a police party consisting of Excise Inspector and ASI Harinder Singh of Punjab Police and three Head Constables and one Lady Constable received secret information against accused applicant that he has been indulging in the business of selling liquor by getting it from Chandigarh. If a raid is conducted, heavy recovery of illegal liquor could be effected. Finding the information reliable, a raid was conducted at the house of petitioner. On seeing the police party, petitioner managed to escape by climbing the stairs of his house. Even police tried to apprehend him but he managed to escape from there. On checking the water tank of the house of accused, 51 bottles of illicit liquor make Naina Premium Whisky which was meant for sale in U.T. Chandigarh only were recovered.”

Learned counsel has argued that as per prosecution, nine

policemen entered the house of petitioner and recovered 51 bottles of illicit

liquor, but it is not believable that they could not arrest the petitioner. He submits that the petitioner has been falsely implicated and as the recovery has already been made, his custodial interrogation may not be necessary. He prays for anticipatory bail.

During the course of hearing, it is not disputed by the learned counsel that previously also, petitioner was embroiled in similar nature of cases and details of the same have been given in para 10 of the petition, but according to him, after 2012 except for this case, he is not involved in any other case.

After hearing the learned counsel and considering the above background, this Court finds that as per prosecution, the petitioner managed to escape from the place of recovery by taking advantage of the adjacent roofs of other houses and the recovery was also made from the water tank of his house. The petitioner is involved in other cases, therefore, considering the nature of the offence, his custodial interrogation appears to be necessary in order to find out the source of supply.

Resultantly, without meaning any expression of opinion on the merits of the case, this Court is not inclined to extend the extra ordinary concession of pre arrest bail to the petitioner.

Dismissed.

11.05.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No