

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29441-2022

Date of Decision: 13.07.2022

Sukha Singh @ Sona

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Lupil Gupta, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No. 33 dated 08.02.2022, under Sections 61/1/14 of Punjab Excise Act, 1914, registered at Police Station Dharamkot, District Moga.

It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and the alleged recovery was 117 bottles of illicit liquor and 23000 litres of lagan was recovered from the bank of Satluj river and the petitioner was not caught on the spot and, therefore, the present petitioner has been falsely implicated in the present case.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab on instructions from ASI Jarnail Singh who is present in the Court has submitted that the petitioner had fled away from the

spot and the police had concrete information with regard to the petitioner and the same has been narrated in the FIR itself. He further submitted that the petitioner has actively concealed material facts from this Court and has suppressed material information. He further referred to para No.28 of the petition wherein the petitioner has stated that the petitioner is not involved in any other criminal case of similar nature/FIR. The averments made in the petition are supported by the affidavit of the petitioner himself. However, the petitioner is involved in three more cases of similar nature under the Excise Act and details are as under:-

Sr.No.	Particulars
1.	FIR No.208 dated 26.09.2017 under Section 61/1/14 of Excise Act, Police Station Dharamkot.
2.	FIR No.192 dated 13.09.2019 under Section 61/1/14 of Excise Act, Police Station Dharamkot.
3.	FIR No. 127 dated 11.07.2021 under Section 61/1/14 of Excise Act, Police Station Dharamkot.

I have heard the learned counsel for the parties.

The present petition is a petition seeking grant of anticipatory bail. Learned counsel for the petitioner has submitted that he has been falsely implicated whereas the learned Deputy Advocate General, Punjab has stated that in fact the petitioner has been named in the FIR and on secret information the raid was conducted but the petitioner fled away from the spot. Apart from this, a perusal of the petition especially para No.28 of the petition would show that the petitioner has specifically stated that he is not involved in any other criminal case of similar nature/FIR. Para No.28 of the petition is reproduced as under:-

“28. That the petitioner is neither proclaimed offender nor involved in any other criminal case of similar nature/FIR.”

The present petition is also supported by an affidavit of the petitioner which is at page No.14 of the paper-book. Para No.2 of the affidavit states that the contents of paras 1 to 29 of the petition are true and correct to his knowledge and affidavit has been duly verified by the petitioner and attested by notary. However, the learned Deputy Advocate General, Punjab has provided details of the three cases under the Excise Act against the petitioner. This Court is of the view that the petitioner has actively concealed the other FIRs from this Court which are also under the Excise Act. Ordinarily this Court would have initiated proceedings for perjury against the petitioner for filing a false affidavit in the High Court. However, the learned counsel for the petitioner has submitted that the petitioner is a young boy of the age of 26 years and a lenient view may be taken. Therefore, this Court is of the view that the present petition is liable to be dismissed for deliberate concealment of material facts from this Court. The petitioner is also liable to be burdened with costs. The costs are assessed at Rs. 20,000/-. The costs shall be deposited by the petitioner before the Chief Judicial Magistrate, Moga within a period of 60 days from today. On the amount of costs being deposited by the petitioner, the Chief Judicial Magistrate, Moga shall transmit the same to the Punjab State Legal Services Authority, Chandigarh.

List this case after 60 days for compliance purposes only.

13.07.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No