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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-44682-2022

DECIDED ON: 27th SEPTEMBER, 2022

DESA @ SUDESH MASIH AND ANOTHER

PETITIONERS

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Birinder Singh Khehar, Advocate
for the petitioners.

SANDEEP MOUDGIL, J

By virtue of present petition, the petitioners have sought anticipatory bail in FIR No. 51, dated 04.06.2022, under Sections 342, 323 and 34 IPC and Section 61/1/14 of Excise Act, registered at Police Station Qadian, District Batala (Annexure P-1/T)

As per the allegations in the FIR, on 03.06.2022 at about 6.45 PM, the petitioners, who are employees of liquor contractor, accompanied by two unknown persons went to the premises of complainant. They blamed the complainant for selling illicit liquor and forcibly took him to their premises situated near the brick kiln in the area of Village Dhindsa. They gave beatings to the complainant, thereafter, they took him to the police station alleging that a bottle of country made liquor is recovered from his possession. Accordingly, the above-said FIR was registered

against the petitioners.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. He further submits that neither any role nor any specific injury has been attributed to either of the petitioners. Though there is allegation of beatings but there is no MLR to substantiate the same. His assertion is that the complainant was indulging in the sale of illicit liquor, therefore, the petitioner took him to the police station and as a counter blast the complainant has levelled bald allegations which are neither supported by any other document nor by medical evidence.

The allegations against the petitioners are serious as they have allegedly entered into the premises of the complainant illegally and took him forcibly to the police station on the allegation that he has been indulging in sale of liquor. Even if it is believed still the petitioners have taken law in their hands by giving beatings to the complainant. The matter is still under investigation so nature of the injuries are yet to be seen by the doctor. As such, the prayer made cannot be accepted at this stage. Therefore, to unearth all the ramifications involved in the present case the custody interrogation of the petitioners is necessary.

Dismissed.

SANDEEP MOUDGIL
JUDGE

27th SEPTEMBER, 2022.

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| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |