

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

Sr.No.207

**CRM-M No.48682 of 2021
Date of Decision: 02.02.2022**

Devid Masih

...Petitioner

Versus

State of Punjab

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

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

Mr. C.L. Pawar, Sr. D.A.G., Punjab
for the respondent-State.

* * * *

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arising out of the FIR bearing No.22 dated 09.03.2021 registered at Police Station Dera Baba Nanak, District Batala, Gurdaspur, under Section 61 of the Punjab Excise Act, 1914, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled in the present case, are that on 09.03.2021, on receipt of a secret information regarding the petitioner having been indulging in selling the illicit liquor after distilling the same, the police party, headed by ASI Guriqbal Singh, conducted a raid at the disclosed place. However, on noticing the raiding party coming there, the petitioner and one more unknown person escaped

.....

from the spot and a working still, three drums, each containing 200 kg, i.e. total 600 kg *Lahan* and one plastic Can containing 20 bottles of illicit liquor, were recovered from there and the same were taken into possession.

Status-report has already been filed on behalf of the respondent-State by way of the affidavit of Deputy Superintendent of Police, Sub Division Dera Baba Nanak, Police District Batala, District Gurdaspur.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the petitioner was not present at the spot at the time of the alleged raid and he had no concern with the alleged crime but he has been falsely roped in as an accused in this case and therefore, he deserves the relief as prayed for in this petition.

However, learned State counsel argues that the petitioner had managed to escape from the spot on noticing the police/raiding party coming there and keeping in view the gravity of the offence as committed by him, this petition be dismissed.

As per the allegations as levelled in the FIR, the above-named ASI had received the specific secret information regarding the petitioner. As mentioned in para No.3 of the Status-report, the petitioner had fled away from the spot on seeing the police party coming there.

.....

Consumption of illicit liquor can play havocs with human lives and such tragedies in the past are the glaring examples of this fact.

Moreover, vide Annexure P-1 (should have been mentioned as P-2), i.e. the copy of the order dated 18.08.2021, the petitioner was extended the relief of interim anticipatory bail by the Court below while directing him to join in the investigation. However, vide Annexure P-3, i.e the copy of the order dated 27.08.2021, the Additional Sessions Judge has dismissed the bail application, as preferred by the petitioner, while observing that the petitioner had failed to join in the investigation in compliance of the order dated 18.08.2021.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail. Resultantly, the petition in hand stands dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

02.02.2022
neetu

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>