

CRM-M-54464-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54464-2022
Reserved on: 22.11.2022
Pronounced on: 24.11.2022

Balwinder Singh @ Binni ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
186	28.10.2022	Jathlana, Distt. Yamuna Nagar	61(1)(14) of Punjab Excise Act, 1914

1. The petitioner apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 12 of the bail petition, the accused declares that he is involved in 19 other cases.
3. As per instructions given by the state , the petitioner has nineteen more criminal cases, whose details are as follows:

Sr. No.	FIR No.	Date	Offences	Police Station
1	237	22.11.1995	382 IPC	Jathlana, Distt. Yamuna Nagar
2	249	22.06.1197	61/1/14 of Excise Act	Jathlana, Distt. Yamuna Nagar
3	454	17.12.1997	61/1/14 of Excise Act	Jathlana, Distt. Yamuna Nagar
4	25	16.07.1999	61/1/14 of Excise Act	Jathlana, Distt. Yamuna Nagar
5	28	09.04.2001	61/1/14 of Excise Act	Jathlana, Distt. Yamuna Nagar
6	34	09.05.2001	61/1/14 of Excise Act	Jathlana, Distt. Yamuna Nagar
7	48	31.07.2021	61/1/14 of Excise Act	Jathlana, Distt. Yamuna Nagar
8	18	07.03.2003	61/1/14 of Excise Act	Jathlana, Distt. Yamuna Nagar
9	60	15.05.2004	61/1/14 of Excise Act	Jathlana, Distt. Yamuna Nagar

CRM-M-54464-2022

10	114	16.10.2004	379 IPC	Jathlana, Distt. Yamuna Nagar
11	48	23.04.2005	61/1/14 of Excise Act	Jathlana, Distt. Yamuna Nagar
12	130	20.12.2012	61/1/14 of Excise Act	Jathlana, Distt. Yamuna Nagar
13	22	03.03.2017	13C2-2GS Act	Jathlana, Distt. Yamuna Nagar
14	35	06.04.2018	15-61-85 of NDPS Act	Jathlana, Distt. Yamuna Nagar
15	239	16.12.2016	13(1)-3 of Gausamvardhan Act	Babain
16	202	19.06.2020	15-61-85 of NDPS Act	Sadar Yamuna Nagar

4. Petitioner's counsel argued that FIR was registered based on the secret information.

5. State's counsel opposes the bail and contends that given the criminal past, the accused is likely to indulge in crime once released on bail.

REASONING:

6. The allegations are transporting alcohol, which is the State's privilege, without paying the revenue and in violation of the State's Excise Policy.

7. Undoubtedly the FIR was registered on the basis of a secret information, and the raw material was recovered from petitioner's home. Furthermore the petitioner has huge criminal history which prima facie shows that illicit trade in liquor is his main source of business .

8 Given above, and the unfair conduct of the petitioner does not entitle him to anticipatory bail under section 438 CrPC. In the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for anticipatory bail under section 438 CrPC.

9 Any observation made hereinabove is neither an expression of opinion on the case's merits, neither the court taking up regular bail nor the trial Court shall advert to these comments.

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

24.11.2022
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Whether speaking/reasoned: Yes

Whether reportable: **NO.**