

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

CRM-M-11565-2023

Date of Decision: March 09, 2023

RAHUL Petitioner

Versus

STATE OF HARYANA Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. M.S. Chauhan, Advocate for the petitioner.
Mr. Sumit Jain, Addl. A.G., Haryana.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail in case FIR No.0093 dated 05.02.2023 registered under Sections 120-B IPC 1860 and Section 61 of Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), P.S. Ambala Cantt., District Ambala, Haryana.

As per allegations levelled against the petitioner, he was dealing in and selling country-made liquor in an illegal manner without having any licence or permit in this regard. In pursuance to a raid having been conducted at his residence, huge quantity of illegal country-made liquor was found besides recovery of three motor-cycles with incorrect registration numbers and altered chassis/engine numbers.

Learned counsel for the petitioner submits that in the present case there is violation of Section 100(4) CrPC as no independent person was made part of the search process. As regards the motor-cycles, learned counsel for the petitioner has relied upon two

affidavits given by one Tilak Raj Kaushal and Vikas son of Subhash

Chand who have stated that the vehicles belong to them.

On the other hand, learned State counsel opposes the prayer made at the instance of petitioner referring to the antecedents of the petitioner who has already been involved in 19 other FIRs including those under Gambling Act, Indian Penal Code and Arms Act.

I have heard learned counsel for the parties and have gone through the paper-book. I am unable to find any substance in the submissions made on behalf of the petitioner.

Considering the nature of allegations levelled in the FIR besides the antecedents of the petitioner who is already involved in 19 other FIRs, I do not find any substance in the prayer made on his behalf for grant of pre-arrest bail. Moreover, huge quantity of country-made liquor has been allegedly found from his house, besides three motorcycles with forged registration numbers and altered chassis/engine numbers. The legal plea as regards the non-compliance of Sub-Section 4 to Section 100 as well as the affidavits relied upon by the petitioner shall be gone into at the stage of trial.

Taking in consideration the facts and circumstances of the present case, granting protection from custodial interrogation to the petitioner at this stage is not called for as it could hamper the investigation.

The present petition is disposed of accordingly.

09.03.2023
tejwinder

(HARKESH MANUJA)
JUDGE