

**103 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRM-M-20889-2023****Date of Decision:27.04.2023****Amandeep Kumar****...Petitioner****V/S****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Ravinder Singh, Advocate
for the petitioner.

Mr. P.S. Grewal, DAG Punjab.

DEEPAK MANCHANDA J. Oral

Instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.104 dated 25.12.21022 registered under Section 61-1-14 of Punjab Excise Act 1914 at Police Station Sadar Rupnagar.

Brief facts of the case are that on 25.12.2022 at about 10.30 A.M. SI Sarabjit Singh along with other police officials were present at Main Highway Dhaki-Saini Majra for checking the suspicious persons and vehicles. Then a car was seen coming near Bus Stand, Ghanauli. The driver of the car on seeking the police party got perplexed and hit the car with a tree and after opening the window of the car, fled away from the spot. On checking of Etios Liva car bearing registration No.PB-72A-9988, 108 bottles of liquor brand WAZIR XXX Rum for sale in Chandigarh only were recovered. The vehicle has been seized.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as he has not been named in the FIR. He further submits that petitioner has been implicated in the present

case only on the basis of suspicion and secret information. He prays for regular bail.

Learned State counsel on instructions from ASI Kanwar Raj Kumar submits that five more FIRs i.e., (I) FIR No.90 dated 08.09.2011 registered under Sections 307, 326, 324, 323, 148 and 149 of IPC; (ii) FIR No.80 dated 04.08.2012 registered under Sections 450, 307, 323, 302 of IPC; (iii) FIR No.143 dated 01.10.2016 registered under Section 61/1/14 of Excise Act; (iv) FIR No.20 dated 19.03.2019 registered under Section 61/1/14 of Excise Act; (v) FIR No.115 dated 06.10.2020 registered under Sections 322, 341, 148 and 149 of IPC and Sections 25,27,54 and 59 of Arms Act, have been registered against the petitioner, whereas in the petition no such information has been provided and in Para no.15 of the petition, it has been specifically submitted that petitioner is not involved in any other case.

After having heard learned counsel for the parties.

The petitioner in Para No.15 of the present petition has specifically mentioned that he has not been involved in any other case under Excise Act except the present FIR and the same is reproduced herein below.

“15. That as per the knowledge of undersigned counsel, the petitioner has not been convicted, absconding or declare proclaimed offender, even he has not involved in any other case under Excise Act except present FIR.”

Whereas as per submissions made by learned State counsel, the petitioner has been found to be involved in five more FIRs including three cases under IPC and two cases under Excise Act but no such information has been mentioned in the present petition nor the same has been disclosed

by the petitioner. The person who has not approached this Court with clean hands does not deserve the extraordinary concession of pre-arrest bail.

Keeping in view the conduct of the petitioner, who has misled this Court by concealing the facts, the present petition is dismissed.

27.04.2023
Ajay Goswami/sapna

(DEEPAK MANCHANDA)
JUDGE

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