

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

CRM-M No.43944 of 2023

Date of decision: 4th September, 2023

Satnam Singh @ Naag

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Lakshay Bector, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail in FIR No.130 dated 31.07.2023 for the offence under Section 61 of the Punjab Excise Act, 1914 registered at Police Station Sadar Khanna, District Khanna (Annexure P-1).

2. Learned counsel inter alia contends that no doubt a secret information had been received qua the involvement of the petitioner and co-accused that they were indulging in illegal sale of liquor in different parts of Punjab, however, it was highly improbable that on seeing police picket, the petitioner would have managed to flee away from the spot. Learned counsel submits that it is thus, evident that the petitioner has been falsely implicated in the case in hand. It has also been submitted that the Hon'ble Supreme Court in '**Siddharam Satlingappa Mhetre vs. State of Maharashtra and others**' 2011(1) RCR (Criminal) 126, has categorically observed that irrational and indiscriminate arrest of the accused should be avoided.

3. I have heard learned counsel for the petitioner and perused the relevant material on record.

4. The Hon'ble the Apex Court in **Siddharam Satlingappa Mhetre's case (supra)** has indeed observed that irrational and indiscriminate arrest of the persons should be avoided, however, at the same time it has also been categorically emphasized that while deciding a petition for grant of extraordinary concession of anticipatory bail under Section 438 Cr.P.C., this Court cannot be expected to turn a blind eye to the nature and gravity of the offence alleged as also the criminal antecedents of a person. In the case in hand, as not disputed by the learned counsel, the petitioner has criminal antecedents as he is involved in three other cases i.e. FIR No.135 dated 14.07.2016; FIR No.170 dated 14.10.2014 and case No. CHA/91/2017 pending in the Court of learned Judicial Magistrate 1st Class, Samrala.

5. Prima facie, the petitioner hence comes across as being a habitual offender. In the circumstances, no ground is made out to extend the extraordinary concession of anticipatory bail under Section 438 Cr.P.C. to the petitioner. The petition stands dismissed accordingly.

(MANJARI NEHRU KAUL)
JUDGE

September 4, 2023

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No