

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

CRM-M No.46882 of 2023

Date of decision: 21st September, 2023

Shubham @ Kalu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Saini, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.588 dated 05.09.2023 under Section 61-1-14 of the Punjab Excise Act, 1961 (Haryana Amendment Bill, 2020) registered at Police Station Shahahad, District Kurukshetra.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand for allegedly keeping in his conscious possession 48 bottles of country-made liquor, without any license. He submits that the false implication of the petitioner finds due credence from the fact that no independent witness was joined by the raiding party despite the fact that there were plenty of people available and the alleged place of recovery was a thoroughfare. Learned counsel submits that though the custodial interrogation of the petitioner is not required, however, he is still willing to join investigation and cooperate with the Investigating Agency.

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

4. A perusal of the FIR, which has been annexed as Annexure P-1, reveals that a secret information had been received by the police with respect to the involvement of the petitioner in the crime in question. When the police arrived at the spot, the petitioner fled away after seeing the police party. Admittedly, as not disputed by the learned counsel for the petitioner as well, the petitioner is a man of criminal antecedents as he is facing trial in four more cases which include three under the Punjab Excise Act. Furthermore, the crime in question was committed by the petitioner while he was on bail in the other criminal cases, which already stand registered against him. Hence, it is evident that the petitioner has misused the concession of bail, which had been granted to him in the other criminal cases. He, prima facie, comes across as a habitual offender. In view of the criminal antecedents of the petitioner and his repeated involvement in offences under the Punjab Excise Act, 1961, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to him.

5. The petition stands dismissed.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 21, 2023

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No