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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.10882-2024

Date of Decision:-24.04.2024

SATNAM SINGH @ TITU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Jagpal Singh, Advocate, for
Ms. Gurpreet Kaur, Advocate for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 Cr.P.C
the petitioner is praying for anticipatory bail in the event of arrest in FIR
detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
158	06.09.2023	61 of Punjab Excise Act 1914	Lopoke, District Amritsar Rural

2. Brief facts of the case are that the present FIR has been registered against the petitioner on the basis of secret information received by ASI Kulwinder Singh that petitioner is dealing in selling of illicit liquor, and raid was conducted in the house of the petitioner and on seeing police party petitioner fled away from the spot, on search, 1000 Ltr. Lahan

(containing in 5 drums of 200 Ltr. each) were recovered from his house.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated in this case. He contends that no recovery has been effected from the petitioner and the recovery of 1000 Ltr. of lahan has been foisted upon him. He contends that petitioner is not involved in any other criminal case of same nature and he is ready to join the investigation, as such he prays for grant of concession of anticipatory bail to the petitioner.

4. *Per contra*, learned State counsel has assailed these arguments by referring to the reply dated 22.03.2024 and argued that on secret information, raid was conducted and on seeing police party petitioner ran away from the spot and 1000 Ltr. Lahan was recovered from the house of the petitioner. He contends that petitioner is habitual in selling liquor and is involved in another FIR No. 49/2019 under Section 61 of Punjab Excise Act, Police Station Lopoke Amritsar (Rural) and considering the nature and gravity of offence, petitioner do not deserve concession of Anticipatory Bail as such he prays for dismissal of the present petition.

5. After considering the rival contentions and perusing the record, it transpires that on secret information FIR was registered and raid was conducted on the house of the petitioner. During raid, petitioner allegedly fled away from his house. However, recovery of 1000 Ltr. Lahan has been effected from his house. As per reply dated 22.03.2024 of State, petitioner is also involved in the similar FIR No. 49/2019 under Section 61 of Punjab Excise Act, Police Station Lopoke Amritsar (Rural). Although as per the

learned counsel for the petitioner, the petitioner is not involved in alleged offence and the recovery has been planted, but he could not explain as to how huge quantity of Lahan (1000 Ltr) came to the house of petitioner. Admittedly, this recovery has been effected from the house of the petitioner itself, who is alleged to have been run away on seeing the police party. This fact coupled with the antecedents of the petitioner being involved in crime under Excise Act, dis-entitle him from the relief of anticipatory bail. Therefore, finding no merit in the petition, the same is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)

JUDGE

24.04.2024

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |