

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101)

CRM-M-17101-2024
Date of Decision: 22.04.2024

Jaswinder Singh and anotherPetitioners

Versus

State of PunjabRespondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. L. M. Gulati, Advocate, for the petitioners.
Mr. J. S. Arora, DAG, Punjab.

PANKAJ JAIN, J.(ORAL)

Apprehending his arrest in FIR No.0001 dated 03.01.2024, registered for offences punishable under Sections 61/1/14 of the Punjab Excise Act, 1914, registered at Police Station Gharinda, District Amritsar Rural, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

2. As per contents of the FIR, it was alleged that petitioner was found to be in possession of 5500 Kgs of lahan and 150 bottles of illicit liquor alleged to have been recovered from his house.
3. Learned counsel for the petitioner submits that it is a case of false implication as the petitioner was not present from the spot.
4. Learned State counsel has vehemently opposed the prayer made by the petitioner for granting him pre-arrest bail.
5. As per settled law laid down by Apex Court in **Gurbaksh Singh Sibbia vs. State of Punjab, 1980 (2) SCC 565**, reiterated in **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another, 2020 (5) SCC**

1 the Court while considering his prayer for pre-arrest bail has to consider as to whether the accusation appears to be actuated by mala fides, nature of seriousness of the proposed charges, the role attributed to the applicant and the probabilities of securing presence of the applicant during the course of trial and as to whether there is any apprehension that the applicant will tamper with the witnesses or evidence.

6. It is the aforesaid considerations which need to be balanced by the Courts while considering grant of pre-arrest bail.

7. Keeping in view the heavy quantity recovered from the petitioner, it is not found to be a fit case for granting discretionary relief granting pre-arrest bail to the petitioner and the same is dismissed as such.

8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

22.04.2024
anil

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