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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.24643-2024
Date of Decision:-09.07.2024

MALKIT SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Barjinder Singh, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed status report by way of an affidavit dated 09.07.2024 of Deputy Superintendent of Police, Sub-division Ajnala, Amritsar (Rural), the same is taken on record. Copy thereof has been supplied to the counsel opposite.

2. 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
37	14.03.2024	61, of Excise Act	Ajnala, District Amritsar

3. Brief facts of the case are that the present FIR has been registered against the petitioner on the basis of secret information received



on 14.03.2024 by ASI Angrej Singh that petitioner is involved in distilling and sale 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 of the house of the petitioner, 600 kg. Lahan (containing in 3 drums of 200 kilograms each) was recovered.

4. 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 alleged recovery of 600 kilograms of lahan has been foisted upon him. He contends that petitioner is ready to join the investigation, as such he prays for grant of concession of anticipatory bail to the petitioner.

5. *Per contra*, learned State counsel has assailed these arguments by referring to the reply dated 09.07.2024 and argued that on secret information, a raid was conducted and on seeing police party, the petitioner ran away from the spot and 600 kilograms of Lahan was recovered from the house of the petitioner. He contends that the petitioner is habitual in selling spurious liquor and is involved in 11 more criminal cases including 9 cases under Punjab Excise Act. He submits that 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.

6. After considering the rival contentions and perusing the record, it transpires that on secret information FIR was registered and the raid was conducted on the house of the petitioner. During raid, petitioner allegedly fled away from his house. However, recovery of 600 kilograms of Lahan



has been effected from his house. As per reply dated 09.07.2024 of State, petitioner is also involved in 11 more criminal cases including 9 cases under the Punjab Excise Act. 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 (600 kilograms) came to the house of petitioner. Admittedly, this recovery has been effected from the house of the petitioner itself, who is alleged to have ran away on seeing the police party. This fact coupled with the criminal antecedents of the petitioner, being involved in 9 more criminal cases under Punjab Excise Act, disentitles him from the relief of anticipatory bail. Therefore, finding no merit in the petition, the same is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

09.07.2024
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No