



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

101

CRM-M-20779-2025

Date of decision: April 29th, 2025

Kashmir Singh @ Tona

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Akhilesh Vyas, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail in FIR No.2 dated 06.01.2025 under Section 61 of The Punjab Excise Act and Sections 221, 132, 351(2) of the BNS, 2023, registered at Police Station Kathu Nangal, District Amritsar Rural.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case merely due to past friction with the local police and owing to the fact that he is the husband of the former Sarpanch of the Village. It is contended that the petitioner was neither named in the FIR (Annexure P-1), nor was he present at the place of occurrence when the alleged incident took place. Learned counsel argues that the offences, barring Section 61 of the Punjab Excise Act and Section 132 of the BNS, are otherwise bailable in nature, and the main allegations, in any event, are directed against the co-accused Jasbir Kaur and Baljeet Singh. It is further submitted that no recovery is to be effected from the petitioner and that he is ready and willing to join the investigation; hence, no fruitful purpose would be

served by subjecting him to custodial interrogation.

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

4. As per the allegations in the FIR, the case arises from a raid conducted by the police on the basis of a secret information, wherein co-accused Jasbir Kaur and Baljeet Singh were reportedly engaged in the distillation of illicit liquor. During the said raid, 80 kilograms of fermented *lahan* was recovered from the premises, and co-accused Jasbir Kaur was apprehended at the spot. It is further alleged that the petitioner, upon learning of the raid, reached the scene and created obstruction in the lawful discharge of official duties by the police officers, thereby actively facilitating the illegal activities and shielding the co-accused from legal consequences. As a result, offences under Sections 221, 132 and 351(2) of the BNS were invoked against him.

5. Significantly, the material placed on record reveals that the petitioner has a chequered criminal history. It is not in dispute that the petitioner stands implicated in as many as 13 other criminal cases involving grave and serious offences. These include cases under The NDPS Act, The Punjab Excise Act, as well as cases pertaining to dacoity, snatching, and assault on public servants. Alarming, it appears that this is not the first instance, where the petitioner has been booked for offences involving assault on police personnel or obstruction in the discharge of public functions.

6. The cumulative facts emerging from the record *prima facie* indicate that the petitioner is a habitual offender, who has repeatedly misused the concession of bail granted to him in the past.

7. In view of the serious nature of allegations, the conduct of the petitioner, his criminal antecedents, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to him.
8. The instant petition, therefore, stands dismissed.
9. 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.

April 29th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No