

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

CRM-M No.29850 of 2016

Date of decision: August 27, 2016

Bikram Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Mukesh Garg, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

The instant petition has been preferred by Bikram Kumar under Section 438 of Code of Criminal Procedure, seeking pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.80 dated 20.07.2016, under Sections 61 of Punjab Excise Act registered at Police Station Gidderbaha, Sri Muktsar Sahib.

The instant FIR has been registered on the information given by an informer that petitioner-Bikram Kumar @ Nikka store Desi Whisky on the Pioari Road near Ware House Godwan and selling the Whisky on high price from the market rate. If raid conducted to caught them, heavy quantity of Desi Whisky can be collected.

Learned counsel for the petitioner has contended that no recovery has been effected from the petitioner and he has been falsely involved in this case. Police has lodged a number of FIRs against different persons in the vicinity where petitioner resides, that too, upon persons of specific community of false and baseless allegations. Petitioner is ready to

join the investigation and shall abide by all the conditions imposed upon him in case he is granted the concession of interim bail.

This Court has given an anxious thought to the aforesaid submissions made by learned counsel for the petitioner and gone through the record available on file.

Earlier, petitioner had sought pre-arrest bail before learned Sessions Judge, Sri Muktsar Sahib and vide order dated August 06, 2016, he was granted the concession of *ad interim* bail and was directed to join the investigation. On August 18, 2016, ASI Balwinder Singh produced the record and made the statement before learned Sessions Judge to the effect that petitioner has not joined the investigation despite the directions issued by this Court. Moreover, no one has put in appearance on behalf of the petitioner before the Court on August 18, 2016 and consequently, earlier order dated August 06, 2016 stood vacated and the bail application preferred by the petitioner was dismissed.

Keeping in view the facts that petitioner has already failed to join the investigation and no one had appeared on his behalf before learned Sessions Judge, this Court is of the considered view that no case for grant of concession of pre-arrest bail to the petitioner is made out. Custodial interrogation of the petitioner is necessary to unearth all the ramifications involved in this case.

Dismissed.

August 27, 2016
m. sharma/avin

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No