

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

CRM-M-2365-2020

Date of decision:-13.2.2020

Sukhwinder Singh @ Sukha @ Sukhdev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Sumeet Puri, Advocate
for the petitioner.

Rana Harjasdeep Singh, DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Sukhwinder Singh @ Sukha @ Sukhdev Singh, an accused in FIR No.2 dated 2.1.2020, under Section 61 of Excise Act, 1914 registered with Police Station Longowal, District Sangrur.

Briefly stated, the facts of the case as per the prosecution version are that on 2.1.2020, a police party from Police Station Longowal, District Sangrur headed by ASI Harcheatan Singh was present at bus stand of village Dhadria, where the said police officer received a secret information that Sukhwinder Singh @ Sukha @ Sukhdev Singh was engaged in distilling and sale of illicit liquor in his residential house, as such a raid was conducted there; Sukhwinder Singh @ Sukha @ Sukhdev Singh was found stirring lahan contained in the drum with his hand,

however on seeing the police party, he fled from the spot. 100 litres of lahan contained in two drums were recovered from the spot.

On registration of formal FIR, apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Sangrur vide order dated 9.1.2020. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

In this case the accused was engaged in illicit distillation in his house and on seeing the police party, he had run away from the spot. The illicit distillation is a very serious crime because the liquor distilled in such a manner when consumed has proved to be very harmful and dangerous. The accused on seeing the police party had run away showing his guilty mind. If he was not doing anything wrong, there was no reason for him to flee from the spot.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had

observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation so as to find out from where he had managed the material and equipment for illicit distillation and to whom he had been selling the same. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

13.2.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No