

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

CRM-M-18008-2020

Date of decision:-9.7.2020

Hardeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Paras Jagga, Advocate
for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Hardeep Kumar, an accused in FIR No.0062 dated 2.6.2020 for an offence under Section 61(1) of Punjab Excise Act, 1914, registered with Police Station Division No.4, District Patiala.

Briefly stated, facts of the case as per the prosecution story are that on 2.6.2020, Himanshu, a co-accused of the present petitioner was arrested in this case and was found in possession of 36 bottles of country-made liquor make MALTA meant for sale in Haryana only. The

petitioner was also present at that place of recovery but he managed to run away on seeing the police party. Himanshu had disclosed the identity of the petitioner/accused to the police. Himanshu is none-else but a real brother of petitioner accused.

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, Patiala vide order dated 30.6.2020. As such, the petitioner has approached this Court asking for similar relief.

Notice of motion.

Mr.Dhruv Dayal, Sr.DAG, Punjab, accepts notice on behalf of respondent - State and oppose the petition.

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

As informed by the State counsel and noticed in the order passed by learned Additional Sessions Judge, Patiala, petitioner is involved in several other cases under the Excise Act i.e. FIR No.112 dated 4.11.2016, FIR No.31 dated 4.3.2016, FIR No.204 dated 13.9.2015, FIR No.31 dated 28.3.2007, which means that the petitioner is a habitual offender. He cannot take advantage of the fact that on seeing the police party, he managed to run away.

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. 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.

9.7.2020
Brij/sumit.k

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No