

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

CRM-M-18013-2020

Date of decision:-9.7.2020

Gurnam Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Ritesh Pandey, 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 – Gurnam Singh, an accused in FIR No.128 dated 22.6.2020 for the offence under Section 61 of Punjab Excise Act, 1914, registered with Police Station Ghuman, District Batala.

Briefly stated, facts of the case as per the prosecution story are that on 22.6.2020, a police party headed by ASI Hardeep Singh from Police Post Udenwal, Police Station Ghuman while being present at turning of Kandila received secret information that Gurnam Singh son of

Bawa Singh of Jatt Community, resident of Kandila (present petitioner) was indulging in illicit distillation at his residential house and if a raid was conducted, then huge quantity of lagan besides working still could be recovered. The information being reliable, ASI Hardeep Singh sent ruqa to the police station on the basis of which formal FIR was registered. A raid was conducted at the residential house of petitioner/accused. Accused managed to run away. 100 kgs. of lagan was recovered from his residential house, which was taken into police possession.

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, Gurdaspur vide order dated 3.7.2020. 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 opposed the petition.

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

The accused is specifically named in the FIR. As per the prosecution story when residential house of the accused was raided, he managed to slip away. 100 kgs. of lagan was recovered from the said house. The accused is said to have been convicted in a case under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Ghuman and was released on probation. In that way, the petitioner is a habitual

offender.

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 from where he had procured the material for illicit distillation and where he had been supplying the illicit liquor. 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