

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21868-2020

Date of Decision: 06.08.2020

Pawandeep Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Harshit Jain, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No. 154 dated 17.07.2020 registered under Sections 61 and 78 (2) of the Punjab Excise Act, 1914 at Police Station Sadar Nabha, District Patiala. He apprehended his arrest at the hands of Police in the above said FIR.

The FIR was registered on the basis of secret information and the allegations as noticed by the Addl. Sessions Judge (D), Patiala in the order dated 27.07.2020 are as under:

“On 17.7.2020 police party headed by ASI Chamkaur Singh, in connection with patrolling and checking of suspected persons, was present in the area of village Chaudhary Majra. At about 6-45 am one silver colour car was found coming from the side of Nagoja Peer, which was given signal to stop. However the driver stopped the car at a distance of 20 karams and one person from driver side and one person from conductor side ran away. Upon search of car bearing no. PB 11AN 5237 mark Swift, bottles of liquor were found on the rear seat of car and one mobile each on driver and conductor seat, were also recovered. From dash board, the RC in the name of applicant-accused was recovered. From the dickey of the car, 160 bottles of liquor marka Shahi

Distilled and Bottled by Haryana Organics for sale in Haryana were recovered while from the rear seat of the car 80 bottles of liquor of same marka, total 240 bottles were recovered regarding which necessary proceedings were taken up at the spot and samples were drawn.”

Learned counsel for the petitioner contends that recovery of illicit liquor has already been effected from the vehicle owned by the petitioner. Learned counsel submits that the petitioner is not involved in any other case and, therefore, his custodial interrogation may not be necessary. It is prayed that the petitioner be granted the concession of pre-arrest bail.

Learned State counsel has opposed the prayer on the ground that the alleged illicit liquor was recovered from the vehicle owned by the petitioner and the mobile phone belonging to him was also recovered from the said vehicle. It is pointed out that the petitioner ran away from the spot and, therefore, he does not deserve the concession of pre-arrest bail.

Considering the above and the conduct of the petitioner, this Court does not find it to be a fit case for grant of concession of pre arrest bail to him as his custodial interrogation may be necessary.

Petition is dismissed.

06.08.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No