

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM-M-24977-2020

Date of Decision : 07.09.2020

JORAJ

....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

Reply on behalf of the respondent-State has been filed. The same is taken on record.

Present petition has been filed under Section 438 Cr.P.C. seeking the benefit of anticipatory bail in respect of FIR No. 201 Dated 31.07.2020, under Sections 304, 328 IPC (Section 302 IPC and Section 61 of Punjab Excise Act, 1914 added later on), Police Station City Batala, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner argues that the petitioner has falsely been implicated in the present FIR though, petitioner has nothing to do with the allegations, which have been mentioned in the FIR. Learned counsel submits that petitioner has been roped in only due to co-accused, namely, Badal, who made a disclosure statement on 02.08.2020 that he had purchased the illicit liquor and had supplied the same to the petitioner, who

further sold the same. Learned counsel for the petitioner submits that the petitioner is a chronic patient of kidney disease and is also suffering from diabetes and, therefore, keeping in view the facts and circumstances of this case, petitioner is entitled for the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State.

Learned State counsel has filed reply by way of an affidavit of Tejbir Singh, PPS, Superintendent of Police (INV), Police District Batala giving the status of the investigation so far conducted.

Learned counsel for the State submits that there has been call details between the petitioner and main co-accused Gobinder Singh @ Gobinda so as to implicate the petitioner with regard to the allegations alleged in the FIR. Learned counsel for the State further submits that one of the person, to whom, the liquor was sold by the petitioner, survived the tragedy but his eye sight has been affected after consuming the illicit liquor and he has also given a statement naming the petitioner. Paragraphs 8 and 9 of the reply filed by the State is reproduced hereunder:-

“8. That, it is humbly submitted that further during investigation of the case by the Special Investigating Team had obtained the call details record of accused Treveni Chauhan, Johny, Dharminder, Joraj and Gobinder Singh @ Gobinda of their mobile numbers from concerned service providers and it has been revealed that accused Joraj s/o Ashok Chauhan

(petitioner) had made contact with the main accused Gobinder Singh @ Gobinda who use to supply the illicit/spurious liquor/alcohol for atleast 45 times in one month. Further from call detail records it has also been revealed that Gobinder Singh @ Gobinda used to come many times at Batala after making the contact with accused Joraj on his mobile phone number as per the tower locations. Thus this shows that the abovesaid accused/petitioner had a contact with the main supplier of illicit/spurious liquor/alcohol.

9. That, it is humbly submitted that further during investigation of the case Tilak Raj s/o Chirag resident of Hathi Gate, Batala had got recorded his statement under Section 175 Cr.P.C. with the Special Investigation Team that he used to drink illicit liquor from Treveni Chauhan, Johny Kumar and Joraj Chauhan (petitioner) by paying money or on credit basis and some days ago Joraj Chauhan asked me to pay the balance amount or else he will get me eliminated. Thus used to keep the grudge with me and on 30.07.2020 I had purchased the illicit liquor from them by paying Rs.50/- and after drinking the same in the next morning he felt guilty and started vomiting and was got admitted in Civil Hospital Batala for treatment for four days and thereafter he came back to his house my eye sight has become weak and by the grace of God he is alive. Further during investigation Insp. Mukhtiar Singh, the then SHO PS City Batala had produced a video clip of the petitioner/accused Joraj to the Special Investigating Team which shows that he is supplying the pouch of illicit liquor/alcohol to the persons.”

From the above, it transpires that during the investigation, evidence has come against the petitioner connecting him with the allegations alleged in the FIR, for which the custodial interrogation of the petitioner is necessary as many persons have lost their lives due to the alleged act of petitioner in selling illicit liquor. Keeping in view the gravity

of the offence as well as the fact that police is still investigating the allegations alleged in the FIR so as to unearth the *modus operandi* of manufacturing and selling the illicit liquor, due to which several lives have been lost, no ground is made out to grant the petitioner the benefit of anticipatory bail.

Present petition is, accordingly, dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 07, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*
Whether reportable? *Yes/No*