

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.101

CRM-M-29207-2020

Date of decision : 16.10.2020

Kulwant Singh @ Kanti and another

..... Petitioners

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Hoshier Singh, Advocate, for the petitioners.

Mr. Amit Mehta, Sr. DAG, Punjab.

SUDHIR MITTAL, J. (Oral)

The petitioners seek anticipatory bail in case FIR No.124 dated 17.8.2020, registered at Police Station Khian Sarwar, District Fazilka, under Section 61(1) of the Punjab Excise Act, 1914 and Sections 420 and 473 IPC.

Reply by way of affidavit of Sh. Rahul Bhardwaj, PPS, Deputy Superintendent of Police, Sub-Division, Abohar, District Fazilka, has been sent through email and the same is taken on record.

According to the aforementioned reply, raids were conducted on 17.8.2020 and 28.9.2020. On 17.8.2020, 25 ¼ bottles of 750 ml. each containing illicit liquor were recovered from co-accused, namely, Chhinder Pal Singh @ Chindi, alongwith motorcycle. On 28.9.2020, co-accused, namely, Paramjit Singh @ Pamma was arrested alongwith 62 ¼ bottles of 750 ml. each containing illicit liquor. Co-accused, namely, Chhinder Pal Singh @ Chindi has disclosed that he brought the liquor from petitioner No.1. During further investigation, it has been revealed that the motorcycle recovered had a fake number plate. There are 03 other criminal cases under the Rajasthan Excise Act pending against petitioner No.1, but none against

petitioner No.2. An FIR inter alia under Sections 323 and 452 IPC is pending against petitioner No.2.

Thus, the learned State counsel argues that the information regarding the accused persons having formed a gang for the purposes of bringing in illicit liquor/lahan from Rajasthan, Haryana and Chandigarh into Punjab has been corroborated.

Learned counsel for the petitioners argues that no recovery has been effected from either of the petitioners nor is the motorcycle owned by any of them. In the Excise Act cases registered against petitioner No.1, he is on bail.

The FIR has been registered on the basis of secret information. Petitioner No.1 has been named as an accused in the disclosure statement of co-accused, namely, Chhinder Pal Singh @ Chindi. The secret information has been corroborated by the police investigation. Thus, custodial interrogation of the petitioners is necessary for unraveling the gang.

The petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

16.10.2020

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No