

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(101)

CRM-M-30428-2020

Date of Decision: September 30, 2020

Mandip Kaur @ Mamni and another

.. Petitioners

Versus

State of Punjab

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.K.S. Phoolka, Advocate, for the petitioners.

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

HARSIMRAN SINGH SETHI, J.(ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioners in respect of FIR No.160 dated 28.07.2020 under Section 61/1/14 of the Punjab Excise Act, 1914, registered at Police Station Sadar Bhatinda, District Bhatinda.

Learned counsel for the petitioners argues that the petitioners have falsely been roped in the present FIR though, they have not committed any offence as alleged in the present FIR. Learned counsel for the petitioners submits that the allegation that the petitioners are habitual offender of distilling the illicit liquor, is also incorrect. Learned counsel for the petitioners further submits that petitioner No.2, who is a minor, according to the respondent, succeeded in fleeing from the spot, which fact cannot be believed. The prayer of the petitioners is that as they are ready to join the investigation, they be granted the benefit of anticipatory bail.

Notice of motion.

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

Learned counsel for the respondent submits that from the house of the petitioner No.1, 3 litres of distilled illicit liquor alongwith the articles, which were used for the manufacturing of the illicit liquor have been recovered. Learned counsel for the respondent further submits that apart from this, 70 litres of Lahan, which was used for manufacturing the illicit liquor has also been recovered and therefore, the petitioner's custodial interrogation is very necessary to unearth the truth about manufacturing and selling of illicit liquor and the prayer of the petitioners for the grant of anticipatory bail may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

As per the allegations, which are very serious in nature, 3 litres of illicit liquor has been recovered. Apart from this, 70 litres of Lahan, which is used for manufacturing the illicit liquor has also been recovered alongwith the articles, which are used for manufacturing of the illicit liquor. The custodial interrogation is necessary to find out the truth so as to unearth the modus operandi not only in manufacturing of the illicit liquor but of the selling of the same as well. Due to the consumption of spurious illicit liquor, a large number of civilians have lost their life.

Keeping in view the above, as the allegations against the petitioners, are grievous and the investigation to unearth the truth of manufacturing and selling of illicit liquor is required to be done to the

maximum extent possible and the same can only be done during the custodial interrogation, no ground is made out for the grant of the benefit of anticipatory bail to the petitioners.

Dismissed.

September 30, 2020
harsha/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No