

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

203

CRM-M-30615-2020.

Date of Decision: 30.10.2020.

Jarnail Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Gursimran Singh Bhatia, Advocate for petitioner.

Mr. M.S. Nagra, Assistant Advocate General, Punjab.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to petitioner in case FIR No.141 dated 05.07.2020 under Section 61 of Punjab Excise Act, registered at Police Station Chattiwind, District Amritsar Rural.

Reply alongwith Annexures filed on behalf of the respondent-State, is taken on record.

Learned counsel for petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further urges that alleged recovery of contraband i.e. 600 kgs. *Lahan* and 40 bottles of illicit liquor and that too

from the premises of petitioner is altogether false and planted one. He further urges that since alleged recovery of contraband has already been effected, petitioner is no more required by the police for any custodial interrogation. He further submits that petitioner is ready to join investigation as and when called upon to do so by the Investigating Agency and, thus, concession of pre-arrest bail may be extended to him.

On the other hand, learned State counsel submits that after having received specific secret information that petitioner is habitual of selling illicit liquor by distilling the same at his house, after having joined independent witness namely Balwinder Singh of the same village, raid was carried out at the house of petitioner wherein four plastic drums containing 600 kgs. *Lahan* and one plastic can containing 30000 Mls of illicit liquor from the cattle shed of the said house were recovered, whereas petitioner on seeing the police party had managed to flee from the spot. He further urges that recovery process of contraband was photographed and the recovered contraband weighing 600 kgs. was got examined from the Excise Department and it has been found to be *Lahan*. He further urges that apart from instant case FIR, petitioner is also involved in two other cases of Excise Act and as such he is habitual offender. He further urges that since recovery of contraband was effected from the premises of petitioner, his custodial interrogation is required to reveal the truth and as such petitioner does not deserve the concession of pre-arrest bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition as well as reply furnished at the instance of respondent-State.

Without commenting anything on the merits of the case, lest it may prejudice the case of either of the parties, allegedly huge contraband i.e. 600 kgs. *Lahan* and 40 bottles of illicit liquor was recovered from the premises of the petitioner. Pre-arrest bail to an accused should be granted in exceptional circumstances as a person couched in comparative safety of the pre-arrest bail would certainly not disclose all the facts within his knowledge. In a given situation, custodial interrogation of petitioner is certainly required for complete and effective investigation. In case, same is denied to the Investigating Agency that shall leave many glaring loopholes and gaps, adversely affecting investigation, which is uncalled for. Keeping in view totality of entire scenario and nature of offence, no extra-ordinary ground has been made out in favour of petitioner for his entitlement of pre-arrest bail.

As a sequel to above, instant petition for grant of pre-arrest bail moved by the petitioner is dismissed.

(LALIT BATRA)
JUDGE

30.10.2020
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No