

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

CRM-M-33213-2020

Date of decision:-16.10.2020

Kulwinder Singh Salaria @ Sethu

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR.JUSTICE H.S.MADAAN**

Present: Mr.Dinesh Mahajan, Advocate  
for the petitioner.

Mr.H.S. Sullar, DAG, Punjab.

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**H.S. MADAAN, J.**

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner –Kulwinder Singh Salaria @ Sethu, aged 25 years, an accused in FIR No.174 dated 29.9.2020 for the offence under Section 61 of the Excise Act, 1914, registered with Police Station Shahpurkandi, District Pathankot.

As per the prosecution story on 29.9.2020, a police party from Police Station Shahpurkandi, District Pathankot received a secret information that Kulwinder Singh Salaria @ Sethu son of Kabal Singh, resident of Khanpur, Police Station Shahpurkandi (present petitioner) was engaged in selling liquor and on that day, he had put bottles of liquor into plastic bags and was present at Defence Road, Jhanjoli to link road, Pathankot, hiding himself behind the bushes, waiting for customers and if

a raid was conducted, he could be caught red handed along with the liquor. In pursuance of such information, which was found to be reliable, a raid was conducted at the disclosed place, however the petitioner/accused managed to run away taking advantage of darkness leaving the plastic bags behind. The first plastic bag on being searched were found to contain 84 bottles Mark Cheers XXX Rum Theka Punjab and from the second bag, 36 bottles Mark Orange Theka Liquor for sale in H.P. only were recovered. The case property was seized. Formal FIR was registered and investigation in the case started.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Judge, Special Court, Pathankot vide order dated 8.10.2020. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition is given to respondent – State. Mr.H.S. Sullar, DAG, Punjab has put in appearance on behalf of respondent – State and accepts notice on behalf of respondent – State. He opposes the petition.

I have heard learned counsel for the parties besides going through the records.

The petitioner is specifically named in the FIR. As per the prosecution story on seeing the police party, the petitioner had run away under cover of darkness. His conduct in doing so goes to show his guilty intention because if he had not done anything wrong, he should have stayed at the spot instead of absconding. In case of **State represented by**

*the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation to find out as to from where he had procured the bottles of liquor and to whom he was supplying.

In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

16.10.2020  
Brij

(H.S.MADAAN)  
JUDGE

**Whether reasoned/speaking : Yes/No**

**Whether reportable : Yes/No**