

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

CRM-M-33210-2020

Date of decision:-16.10.2020

Pritam Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Kamal Narula, Advocate
for the petitioner.

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

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 – Pritam Singh, aged 46 years, an accused in FIR No.191 dated 20.9.2020 for the offence under Section 61 of the Excise Act, 1914, registered with Police Station Khui Khera, District Fazilka.

As per the prosecution story on 20.9.2020, a police party from Police Station Khuri Khera, District Fazilka while being on patrol duty, when present at a spot 200 yards short of road village Kamal Wala to Kathera, received a secret information that Pritam Singh son of Prem Singh of village Kamal Wala (present petitioner) was in a habit of distilling and selling illicit liquor in his fields and if a raid was conducted, then huge quantity of illicit liquor could be recovered. In pursuance of that

information, a raid was carried out at the fields of petitioner/accused, who was found distilling illicit liquor. However, on observing the police party, he managed to flee. A working still with 50 litre of lahan were recovered. Formal FIR was registered.

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, Fazilka vide order dated 5.10.2020. 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 conduct of the accused in running away from the spot on observing the police party points out towards his guilty intention. 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 material used for illicit distillation and where the illicit liquor so distilled was to be supplied. The names of his customers are also to be inquired into.

As stated by learned State counsel, the petitioner is involved in two more cases under the Excise Act, which goes to show that the petitioner is a habitual criminal.

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