

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

CRM-M-34487-2020 (O&M)

Date of decision: 18.11.2020

Gurpias Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Abhishek Singla, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Gurpias Singh, an accused in FIR No.213 dated 19.09.2020, for an offence under Section 61 of the Punjab Excise Act, 1914 (for short 'the Act') registered with Police Station Maur, District Bathinda.

Briefly stated facts of the case as per prosecution version are that, on 19.09.2020, a police party from Police Station Maur, District Bathinda, headed by HC Makhan Singh travelling in a private car was present at Maur Khurd Canal bridge in connection with patrolling and checking of suspicious persons, when at about 6.30 PM, HC Ram Singh received a secret information that Gurpias Singh (present petitioner) along with Makhan Singh son of Bhajan Singh both residents of Maur Khurd were in the habit of selling of Haryana made liquor and had kept

the bottles of liquor in bushes near culvert of Maur Khurd canal minor and if a raid was conducted, such liquor bottles could be recovered from them. Finding the information to be credible and reliable, disclosing commission of an offence under Section 61 of the Act, HC Ram Singh sent ruqa to the police station, on the basis of which, formal FIR was registered. The police party conducted raid at the disclosed place and recovered 11 boxes of country made illicit liquor (Haryana made). The petitioner Gurpias Singh, who was standing besides the liquor boxes, on seeing the police party managed to run away. He was identified by private witness Rajdeep Singh, who was with the police party at the spot. After registration of the FIR, the investigation in the case started.

Apprehending his arrest in this case, petitioner/accused had approached the Court of Sessions at Bathinda, seeking pre-arrest bail. His such application was assigned to Addl. Sessions Judge, Bathinda, who vide order dated 05.10.2020, dismissed the same. Feeling aggrieved, the petitioner has knocked at the door of this Court, praying for grant of similar relief.

Notice of motion.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab accepts notice on behalf of the State and opposes the bail.

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

In the instant case, the petitioner is specifically named in the FIR and as the prosecution story goes, he was present along with boxes of liquor bottle, however, on seeing the police party, he had managed to run

away. The place of recovery is stated to be an abandoned place. Presence of the petitioner along with boxes of liquor bottles goes to show his possession of the same. His running away from the spot on seeing the police party goes to show his guilty intention, because if 11 boxes containing country made illicit liquor (Haryana) did not belong to him, there was no necessity of his fleeing from the spot. The conduct of the petitioner points out towards his guilty intention. The petitioner is involved in two more cases under the Act i.e. FIR No.82 of 2014 and FIR No.262 of 2018, both registered with Police Station Maur. Both the cases are pending trial; that goes to show that the petitioner is a habitual criminal. The custodial interrogation of the petitioner is necessary to find out as to from where he had procured the recovered bottles of liquor and the persons to whom he was to supply the same. He is also to be questioned with regard to previous transactions. In case, the custodial interrogation is denied to the investigating agency that shall leave many gaps and loopholes, adversely affecting the investigation, which is uncalled for. Thus, keeping in view the totality of circumstances, no ground for grant of pre-arrest bail to the petitioner is made out. The petition so moved by him in that regard stands dismissed accordingly.

18.11.2020

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(H.S. MADAAN)
JUDGE

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