

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

CRM-M-35488-2020 (O&M)

Date of decision: 03.11.2020

Lajjo Devi

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Rajesh Duhan, 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 Lajjo Devi, aged about 64 years, an accused in FIR No.246 dated 02.10.2020, for an offence under Section 61 of the Punjab Excise Act, registered with Police Station Kotwali, District Patiala.

Briefly stated facts of the case as per prosecution version are that, on 02.10.2020, a police party from Police Station Kotwali, District Patiala was present on river bridge at Sanaur Road, Patiala, when it received a secret information that Lajjo Devi (present petitioner) wife of late Dharampal, resident of Gopal Colony near house of Jaswinder Singh is in habit of selling the liquor in her house after purchasing it from liquor vends of Haryana, Punjab border at cheaper rates and she was selling that

liquor in her house on that day, which she was doing without getting any permit or license. Finding a prima facie case, ASI Jarnail Singh, In-charge of the police party sent ruqa to the police station, on the basis of which, formal FIR was registered. Accordingly, a raid was conducted at residential house of the accused and 168 bottles of country made liquor meant for sale in Haryana only were recovered, however, on seeing the police party, petitioner/accused Lajjo Devi had managed to escape. The recovered bottles of liquor were taken into possession. After registration of the FIR, the investigation in the case started.

Apprehending her arrest in this case, petitioner Lajjo Devi had approached the Court of Sessions at Patiala, seeking pre-arrest bail. Her such petition was assigned to Addl. Sessions Judge, Patiala, who vide order dated 14.10.2020, 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 prayer made on behalf of the petitioner.

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

The allegations against the petitioner are very grave and serious, warranting her custodial interrogation to find out as to from where she had been purchasing the bottles of liquor and to disclose the names of the customers to whom she had been selling the same. In case,

the custodial interrogation of the petitioner is denied to the investigating agency that shall leave many loopholes and lacuna, adversely affecting the investigation, which is uncalled for. The petitioner is specifically named in the FIR. According to the prosecution story, the recovery had been effected from the residential house of the petitioner/accused and on seeing the police party, the petitioner had slipped away. If the petitioner had not done anything wrong, there was no necessity of leaving her house on seeing the police party. Her doing so goes to show her guilty intention. Furthermore, as submitted by learned State counsel on instructions from ASI Jarnail Singh, the petitioner is involved in 05 more criminal cases, out of which, 03 cases are under Punjab Excise Act, 1914, whereas, 02 other cases are under different Acts. That means, petitioner Lajjo Devi, who is a woman, said to be aged about 64 years, has got a past criminal record. The plea for leniency put-forward on her behalf for the reason the petitioner being a woman and of advanced age, cannot be accepted. 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 her in that regard stands dismissed accordingly.

03.11.2020

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(H.S. MADAAN)
JUDGE

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