

CRM-M-35876 of 2020

**113IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-35876 of 2020
Date of Decision: 04.11.2020

Sawinder Singh @ Surinder Singh

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:- Mr. Vikas Gupta, Advocate, for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through Video Conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks the grant of anticipatory bail in FIR No.221 dated 17.07.2020, registered under Sections 353/186 IPC and Section 61 of the Punjab Excise Act, 1914 at Police Station Sarhali, District Tarn Taran.

The case of the prosecution is that on 17.07.2020 the excise authorities received an information that huge quantity of illicit liquor is lying stored at a place in village Shakri, Tehsil and District Tarn Taran. Acting on such information a raid was conducted which led to the recovery of 1200 litres of illicit liquor. While seizure proceedings were being undertaken the petitioner along with others initially started objecting to the seizure of the illicit liquor and then started altercating with them as also tried to forcibly take back the drums in which the illicit liquor was stored.

When the excise officials intimated the police the petitioner along with co-

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accused fled from the spot.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case; no recovery has been effected from the petitioner or from any of his properties and it is highly improbable that in the presence of the excise officials the petitioner could have escaped from the alleged crime scene.

Learned State counsel opposes the grant of bail to the petitioner on the ground that huge quantity of illicit liquor belonging to the petitioner has been recovered; while excise officials were undertaking their lawful duties they were not only obstructed by the petitioner but were also abused/manhandled and that the petitioner is a habitual offender as he is involved in six other cases of similar nature.

In the present case huge quantity of illicit liquor has been recovered; at the time when the seizure proceedings were going on the petitioner along with his co-accused obstructed, abused and even manhandled the excise officials who were simply doing their lawful duty; petitioner is involved in six other cases of similar nature; while on bail in those cases he is alleged to have committed this offence and has thus misused the concession of bail so granted to him earlier and manufacture/supply of illicit liquor is not only violative of the excise laws but is also an offence against the public at large.

In view of the above as also for the reason that the *modus operandi* used by the petitioner for manufacturing/supply of the seized illicit liquor is to be gone into this Court is of the opinion that custodial interrogation of the petitioner is necessary.

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Dismissed.

It is clarified that the above observations have been made by this Court to decide the present petition seeking anticipatory bail in which investigation is still going on and therefore these observations be not construed as opinion on the merits of the case as trial of the petitioner is yet to take place.

November 04, 2020
R.S.

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No