

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

CRM-M-38063-2020 (O&M)

Date of decision: 18.11.2020

Lovepreet Singh @ Love

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. A.K. Khunger, 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 Lovepreet Singh @ Love, an accused in FIR No.0204 dated 26.10.2020, for an offence under Section 61 of the Punjab Excise Act, 1914 (for short 'the Act') registered with Police Station Khui Khera, District Fazilka.

Briefly stated facts of the case as per prosecution version are that, on 26.10.2020, a police party from Police Station Khui Khera, District Fazilka, which was being led by ASI Gurcharan Singh travelling in a private vehicle was going from bus stand Ghallu via Katehra to Kandhwala Hazar Khan, then ASI Gurcharan Singh received a secret information that Lovepreet Singh @ Love (present petitioner) along with his brother Uttamjeet Singh, both residents of Village

Kandhwala, were bringing liquor on their motorcycle bearing registration no.PB22-S-9158, red in colour, going towards Mammu Khera Katehra etc., to sell the same and if a picket was laid, then both the brothers could be caught red handed along with contraband. Finding the information to be credible and reliable, disclosing commission of offence under Section 61 of the Act, ASI Gurcharan Singh sent ruqa to the police station, on the basis of which, formal FIR was registered. The police party accordingly laid naka, intercepted the motorcycle and recovered 52 bottles of liquor, whereas, the petitioner had succeeded in running away from the spot.

Apprehending his arrest in this case, petitioner/accused had approached the Court of Sessions at Fazilka, seeking pre-arrest bail. His such application was assigned to Addl. Sessions Judge, Fazilka, who vide order dated 10.11.2020, 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.

The petitioner along with his brother are specifically named in the FIR. 52 bottles of illicit liquor had been recovered from them, though, the petitioner had managed to run away from the spot. Though, learned counsel for the petitioner has contended that the story set up by the prosecution is not believable because the petitioner has got operated

his right leg and is a disabled person, as such, he could not have run away. However, no medical document in that regard has been attached. Furthermore, the prosecution case is to be established during the trial. This Court while determining the entitlement of petitioner to grant of pre-arrest bail is not to go into the minute details of the merits of the case. The petitioner is not entitled to discretionary equitable relief of pre-arrest bail, which is meant to shield the innocent persons from harassment and inconvenience and not to provide protective umbrella to the criminals enabling them to avoid interrogation by the investigating agency. Furthermore, custodial interrogation is certainly more elicitation oriented because a person couched in comparative safety of pre-arrest bail would certainly not come out with the complete inculpatory facts, which may affect him adversely during trial. Therefore, no case 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