

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

CRM-M-48070 of 2019

DATE OF DECISION :- February 20, 2020

Dara Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. J.S. Moudgill, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

This petition for regular bail has been filed by petitioner Dara Singh, aged about 34 years, resident of village Chatha Nanhera, Tehsil Sunam, District Sangrur, an accused in F.I.R. No. 123 dated 11.10.2019 registered with Police Station Chhajli, District Sangrur for offence under Section 61 of Punjab Excise Act, 1914.

Briefly stated the facts of the case as per prosecution story are that on 11.10.2019, ASI Gurmit Singh heading a police party from Police Station Chhajli, District Sangrur while being present at Bus Stand village Chatha Nanhera had received a secret information that Dara Singh (present petitioner) was habitual of bringing liquor from Haryana on low prices and selling the same on higher prices. He had brought country made liquor from Haryana and was selling it in his house without any permit for keeping the liquor in his possession, if a raid was conducted he could be apprehended along with the liquor. Information being reliable, ruqa was sent to the Police station and F.I.R. in question was recorded. House of the accused was raided. On seeing the police party, he ran away from the roof of the house. On being searched, 24 bottles of liquor marka Sofi for sale in Haryana were

recovered from a corner of Varanda. By converting 24 plastic bottles into a plastic cane a sample containing 180 ml. country made liquor was separated and converted into a parcel. Cane plastic containing remainder country made liquor i.e. 23-3/4 bottles were also converted into a sealed parcel.

Apprehending his arrest, accused had approached the Court of Sessions for grant of pre arrest bail, however, such relief was not granted to him by Additional Sessions Judge, Sangrur who had dismissed the application vide order dated 18.10.2019, as such the petitioner has approached this Court craving for grant of similar relief which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Though F.I.R. in this case was recorded on the basis of secret information but accused is specifically named in the F.I.R. When his house was raided he had ran away from that place and recovery of bottles of liquor meant for sale in Haryana was effected from his house. His custodial interrogation is necessary to find out details of his supplier and details of persons to whom he had been selling liquor unauthorizedly without having proper licence to do so. If the custodial interrogation is denied to the investigating agency that shall adversely effect the investigation which is uncalled for.

Finding no merit, the petition stands dismissed.

(H.S. MADAN)
JUDGE

February 20, 2020

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No