

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

CRM-M-3110-2021 (O&M)

Date of decision: 22.01.2021

Baljit Singh @ Biti

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Mr. B.S. Bairagi, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Baljit Singh @ Biti, an accused in FIR No.097 dated 13.12.2020, for an offence under Section 61 of Punjab Excise Act, registered with Police Station Bajakhana, District Faridkot.

Notice of motion.

Mr. J.S. Ghuman, DAG, Punjab, accepts notice on behalf of the respondent-State.

Briefly stated the prosecution story is that, on 13.12.2020, a police party from Police Station Bajakhana, District Faridkot during the course of patrolling and checking of suspicious persons was present at Purani Chowki near Village Bargari; at about 5.30 PM, it received a secret information that Baljit Singh @ Biti (present petitioner) son of

Balour Singh was in the habit of purchasing cheap liquor from other States and selling it in Village Burj Jawahar Singh Wala and other nearby villages and on that day, he was roaming about in Village Burj Jawahar Singh Wala in his car bearing registration No.DL-9CG-8568, make Corolla of golden silver colour; on receipt of the information, ruqa was sent to the police station, on the basis of which, formal FIR was registered; then the police party went to the disclosed place and a picket was laid there; the car in question was spotted and intercepted but the petitioner after parking the car ran away from the spot; the car was searched, which resulted in recovery of 108 bottles of liquor on which wording "sale for Haryana only" was written; the recovered liquor was taken into possession; after registration of the FIR, the investigation in the case started.

Apprehending his arrest in this case, petitioner/accused had approached the Courts of Sessions at Fardikot by moving application for grant of pre-arrest bail. His such application was assigned to Addl. Sessions Judge, Faridkot, who vide order dated 22.12.2020, dismissed the same. Feeling aggrieved, 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 parties besides going through the record and I find that the petition is doomed for failure. Pre-arrest bail is a discretionary equitable relief, which is to be granted by the Court in rare and exceptional circumstances to save the innocent

persons from harassment and inconvenience and not to provide protective umbrella to the criminals enabling them to avoid arrest and interrogation by the investigating agency. In the present case, the petitioner is specifically named in the FIR. The registration number of his car is also mentioned. As per prosecution case, when on receipt of secret information, a picket was laid, the car in question was intercepted, however, the accused after parking it managed to run away. Such conduct of the accused clearly goes to show his guilty intention because if he had not done anything wrong, he had no reason to leave his car and run away. Furthermore, on search of the car, 108 bottles of liquor meant for sale in Haryana only were recovered. The custodial interrogation of the petitioner is essential to find out from where he had brought such bottles of liquor and where he intended to sell the same; the details of such earlier transactions made by him are also to be found out. In case, custodial interrogation of the petitioner is denied to the investigating agency that shall leave many gaps, loopholes and lacuna, adversely affecting the investigation, which is uncalled for.

As regards, the argument advanced by learned counsel for the petitioner that the petitioner is not owner of the alleged car and a false recovery has been planted upon him by the police, these type of contentions are the ones, which are to be dealt with by the trial Court and not by this Court while deciding petition for grant of pre-arrest bail. This Court is not required to go into depth of merits of the case

and at this stage, only the allegations as per prosecution story are to be seen. Therefore, finding no merit in the instant petition, the same stands dismissed.

22.01.2021
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(H.S. MADAAN)
JUDGE

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