

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 4538 of 2021 (O&M)

Date of decision : 10.2.2021

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Chhinda Singh

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Barjinder Singh, Advocate for the petitioner.

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H. S. Madaan, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for grant of pre-arrest bail has been filed by petitioner Chhinda Singh, aged about 40 years son of Budh Singh, resident of Karkhana Basti, Ubhawal Road, Sangrur, an accused in FIR No. 252 dated 18.11.2020, for offences under Section 61 of Excise Act, 1914 (Haryana Amendment Bill, 2020), registered at Police Station Garhi, District Jind.

Briefly stated, the prosecution story is that, on 18.11.2020, a Police Party led by ASI Raj Kumar, had intercepted truck bearing registration No. PB-11CJ-3603 in the area of T-Point Dhanauri village Data Singh Wala, within the jurisdiction of Police Station

Garhi. It was so done in pursuance of a secret information. The driver of the truck had managed to run away. Search of the truck revealed that 781 bottles of country made liquor were being carried therein.

Formal FIR in the matter was recorded. Investigation in the case started, during the course of which it come out that petitioner is registered owner of the truck.

Apprehending his arrest in this case, petitioner -accused Chhinda Singh had approached the Court of Sessions at Jind, by moving an application for pre-arrest bail. His such application, which was assigned to Additional Sessions Judge, Jind, was dismissed vide order dated 15.1.2021, as such, feeling dissatisfied, he has knocked at the door of this Court, craving for grant of similar relief, by way of filing the present petition.

Notice of motion.

At this stage, Mr. Tanuj Sharma, AAG, Haryana, has accepted notice on behalf of the State, opposing the prayer made by the petitioner.

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

It is well settled law that pre-arrest bail is a discretionary equitable relief and which is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to act as a shield for the culprits, saving them from interrogation by the police.

In this case, the petitioner has been found to be owner of the

truck in which 781 bottles of country made liquor were being carried. The petitioner being owner, is to explain, from where the bottles had been brought and where those were to be supplied. Such a large number of bottles were obviously being smuggled in violation of law.

The custodial interrogation of the petitioner which is more elicitation oriented, is required to unfold the complete story as to from where the 781 bottles of country made liquor were being brought and where those were being taken. In case the custodial interrogation of the petitioner is denied to the Investigating Agency, that shall leave many loop holes, lacuna and gaps in the investigation, adversely affecting the same, which is uncalled for. Furthermore, the petitioner is stated to be involved in 5 more criminal cases, the details of which reads as under :-

<i>Sr.No.</i>	<i>Offence u/s</i>
1	FIR No. 2 dt. 1.1.2005, under Section 13/3/67 of G.Act., PS City Sangrur
2	FIR No. 3 dt. 1.1.2008, under Section 61(1)(14) of Excise Act, PS City Sangrur
3	FIR No. 111 dt. 16.12.2018, under Section 61 of Punjab Excise Act, PS City Sangrur
4	FIR No. 166 dt. 22.10.2019, under Section 341, 323, 506, 34 IPC, PS City Sangrur
5	FIR No.154 dt. 22.7.2020, under Section 61 Excise Act, PS City Sangrur

Since the majority of cases being under violation of provisions of Excise Act, that goes to show that the petitioner is a habitual criminal. Such type of person having a shady past is certainly not entitled to grant of discretionary equitable relief of pre-arrest bail. He having been found to be owner of the truck in which

such large number of bottles of country made liquor, were being carried, cannot escape liability and accountability to explain as to how it was being done; from where the same were being brought and where those were being taken.

There is no merit in the present petition. The same stands dismissed, accordingly.

However, nothing discussed above shall have any bearing on the merits of the case.

10.2.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes/ No

Whether reportable Yes/ No