

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

CRM-M-5007-2021

Date of decision:-10.2.2021

Jagjeet Singh @ Jitti

...Petitioner

Versus

State of Punjab

...Respondent

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

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

Mr.J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Jagjeet Singh @ Jitti, aged about 36 years, resident of village Kotra, Korian Wala, Tehsil Phul, District Bathinda, an accused in FIR No.001 dated 2.1.2021, under Section 61 of Punjab Excise Act, 1914, registered with Police Station Balianwali, District Bathinda.

In nutshell, the prosecution story is that on 2.1.2021 on receipt of a secret information that petitioner Jagjeet Singh @ Jitti is in habit of selling illicit liquor by distilling the same in his house and if a raid was conducted large amount of illicit liquor and lahan can be recovered, formal FIR in the matter was recorded. A raid at the residential house of petitioner/accused was conducted and 50 litres of lahan was recovered therefrom. The accused was not present in his house at that

time.

Apprehending his arrest in this case, the present petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, which was assigned to learned Additional Sessions Judge, Bathinda. However, his such request was declined by learned Additional Sessions Judge, Bathinda vide order dated 15.1.2021. As such, the present petitioner has approached this Court by way of filing the instant petition asking for the similar relief.

Notice of the petition was issued to respondent – State. Mr.J.S. Ghuman, DAG, Punjab has appeared on behalf of respondent – State and accepts notice on its behalf. He opposes the petition.

I have heard learned counsel for the parties besides going through the records.

Pre arrest bail is a discretionary relief and 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 screen the culprits from arrest and custodial interrogation.

The petitioner comes out to be a habitual criminal inasmuch as a similar FIR No.127 dated 4.12.2020 had been registered against him earlier. A raid was conducted at his residential house and recovery of 250 litres of laran was effected. The petitioner has approached this Court for grant of pre-arrest bail in that case, where interim bail has been granted to him, copy of that order has been placed on file. That order instead of helping the petitioner goes against him inasmuch as it comes out that after a raid was conducted on his residential house on 4.12.2020, he did not

stop indulging in illegal activities of illicit distillation and other FIR No.1 dated 2.1.2021 was registered against him. His house was raided and 50 litres of lahan was recovered. He comes out to be incorrigible person. The recovery having been effected from his residential house, it is for him to explain as to from where he had brought the constituents of lahan, where he was to supply the illicit liquor i.e. names of his customers etc. The details of other persons to whom he has been providing illicit liquor are also to be found from him. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Thus the petition is doomed for failure and is dismissed accordingly.

10.2.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No