

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

CRM-M-6086-2021 (O&M)

Date of decision: 09.04.2021

Sohan Singh @ Sohni

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. R.S. Dadwal, Advocate for the petitioner.

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

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Sohan Singh @ Sohni, an accused in FIR No.170 dated 31.10.2020, for an offence under Section 61 of the Punjab Excise Act, registered with Police Station Sidhwan Bet, District Ludhiana.

Briefly stated the prosecution story is that, on On 31.10.2020, a police party while being present at Bus Stand Giddarwindi within jurisdiction of Police Station Sidhwan Bet received a secret information that Sohan Singh-present petitioner along with several other persons were engaged in distillation of illicit liquor in and around Satluj river in the area of Village Baghian and Sherewal and thereafter were selling the same and if a raid was conducted, they could be caught red handed; accordingly ruqa was sent to the police station and formal FIR

was registered; a raid was conducted at the disclosed place and illicit liquor was recovered; 100 litres of lahan were recovered from a drum and 1500 litres of lahan from plastic tarpaulin lying near the river; a can containing 30 bottles of illicit liquor was also found to be there.

Apprehending his arrest in this case, the petitioner had approached the Courts of Sessions at Ludhiana, by moving an application for grant of pre-arrest bail. His such application, which was assigned to Addl. Sessions Judge, Ludhiana was, however, dismissed, vide order dated 21.12.2020. 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.

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. Here the petitioner is named in the FIR and substantial amount of lahan and illicit liquor was recovered from him. As per written reply filed by the State, the petitioner is involved in following criminal cases:-

1. FIR No.44 dated 08.03.2011, under Section 61 of the Excise Act, PS Sadar, Jagraon.
2. FIR No.160 dated 12.08.2011, under Section 61 of the Excise Act, PS Sadar, Jagraon.
3. FIR No.18 dated 18.02.2012, under Section 61 of the Excise Act, PS Sidhwan Bet.

- 4. FIR No.90 dated 06.06.2016, under Sections 323, 324, 148 and 149 IPC, PS Dharamkot.
- 5. FIR No.68 dated 09.05.2016, under Section 61 of the Excise Act, PS Sidhwan Bet.

It transpires that he has been convicted in two cases under the Punjab Excise Act; that means he is a habitual criminal and if granted pre-arrest bail, there is every likelihood of his indulging in the said illicit distillation again. Furthermore, with such past criminal record, he is certainly not entitled to grant of pre-arrest bail. His custodial interrogation is found to be necessary to find out from where he had procured the implements and material used for forming working still and illicit distillation and further the names of persons to whom he had been supplying illicit liquor. In case the custodial interrogation is denied that shall deprive the investigating agency of finding several material facts, adversely affecting the investigation, which is uncalled for. Furthermore, keeping in view the fact that many persons especially belonging to lower strata of society loose their lives after consuming the illicit liquor, the persons indulging in such trade need to be dealt with firmly and strictly, since any misplaced sympathy shown to them would endanger the lives of several innocent persons. Thus, no ground is made to accept the petition. The same stands dismissed accordingly.

09.04.2021
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(H.S. MADAAN)
JUDGE

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