

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

Sr.No.207

**CRM-M No.26476 of 2021 (O&M)
Date of Decision: 20.08.2021**

Rajwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Ms. Amarinder Kaur, Advocate,
for the petitioner.

Mr. Harpreet S. Multani, A.A.G., Punjab
for the respondent.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.101 dated 04.07.2020 registered at Police Station Longowal, District Sangrur, under Sections 61 and 67 of the Punjab Excise Act, 1914, the petitioner has moved this petition for seeking the relief of anticipatory bail.

Shorn and short of unnecessary details, the allegations, as levelled in this case, are that on the receipt of a secret information qua the petitioner and his co-accused Iqbal Singh having been indulging in smuggling the liquor from Haryana, the police party held *Naka Bandi* (Barricades) and the car bearing registration No.HR-51AA-3456 and belonging to the petitioner, was intercepted and its driver named Iqbal

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Singh was apprehended. Total 420 bottles of country made liquor, meant for sale in the State of Haryana, were recovered.

Status-report filed on behalf of the respondent-State, by way of the affidavit of Deputy Superintendent of Police, Sub-Division Sunam, District Sangrur and forwarded by learned State counsel to this Court through email, is taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the name of the petitioner does not find mention in the subject FIR and moreover, he was not present at the spot at the time of the alleged recovery of the liquor and thus, he has been falsely implicated in this case and in these circumstances, he deserves the relief as prayed for in this petition. She places reliance upon the orders passed by the Co-ordinate Benches of this Court in **CRM-M No.27159 of 2020** titled as '**Vikram Singh vs. State of Punjab**' decided on 22.09.2020, **CRM-M No.32500 of 2020** titled as '**Vikram Singh vs. State of Punjab**' decided on 02.12.2020 and **CRM-M No.34494 of 2020** titled as '**Labh Singh and another vs. State of Punjab**' decided on 23.02.2021, in support of her contentions.

Per contra, learned State counsel argues that the name of the petitioner finds mention in the secret information as Rajvir Singh @ Ricky @ Pandit S/o Kewal Singh and the vehicle, used in the commission of the offence, also belongs to the petitioner and his co-accused named

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Iqbal Singh has also suffered a disclosure statement mentioning therein that he was employed by the petitioner as the driver for the said car and the petitioner knew the source of supply of the smuggled liquor and moreover, the petitioner is also involved in three more cases of the similar nature and it being so, the present petition deserves dismissal.

As regards the contention qua the petitioner having not been nominated as the accused in the FIR, although, in the secret information, besides the name of accused Iqbal Singh, the name and address of the second accused has been mentioned as Rajvir Singh @ Ricky @ Pandit S/o Kewal Singh resident of Village Jhaloor but it is pertinent to mention here that in the memo of parties in this petition, the petitioner is shown to be having the same parentage and address. Moreover, it has been specifically mentioned in para No.4 of the status-report that during the investigation, the complete name and address of the petitioner was verified to be Rajwinder Singh @ Ricky @ Pandit S/o Kewal Singh resident of Village Jhaloor.

Although, the petitioner had not been arrested at the spot but as categorically mentioned in the status-report, the said co-accused of the petitioner has disclosed during his interrogation that he as well as the petitioner brought the recovered liquor from Haryana and the entire payment for the same had been made by the petitioner and the said vehicle belonged to the petitioner and only the petitioner knew the source of the supply of the recovered liquor. In these circumstances, the possibility of the requirement of the custodial interrogation of the

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petitioner to elicit the truth qua the source of the supply of the liquor cannot be ruled out.

The observations as made by the Co-ordinate Benches of this Court in *Vikram Singh's cases (supra)* and *Labh Singh's case (supra)* are not of any avail to the petitioner because the facts and circumstances of the case in hand are distinguishable from those of the mentioned above.

Keeping in view the above-discussed facts and circumstances and also the gravity of the allegations, as levelled against the petitioner in the present case, this Court is of the considered opinion that he does not deserve the relief of anticipatory bail. Resultantly, the petition in hand stands dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

20.08.2021
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>