

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33941-2021

Date of decision: - 20.08.2021

Rajwinder Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Tarundeep, Advocate
for Mr. D.S. Pheruman, Advocate,
for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.120 dated 22.09.2020, registered under Sections 61/1 of the Excise Act, 1914 and Section 24 of Water Pollution & Control of Pollution Act, at Police Station Chohla Sahib, District Tarn Taran.

Learned counsel for the petitioner submits that the petitioner was not arrested from the spot and therefore, he be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab, who

has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel submits that a secret information was received by the police that the petitioner along with others is involved in distilling illicit liquor and if the raid is conducted, a large quantity of illicit liquor as well as raw material will be recovered and when the police conducted raid, more than one lakh litre of illicit liquor was recovered.

Learned State counsel further submits that the present FIR was registered against 10 persons and their applications for anticipatory bail have already been dismissed. Learned State counsel further submits that the petitioner is evading arrest for the last more than 1½ years and he is involved in three other FIRs.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The only ground for seeking the anticipatory bail raised by learned counsel for the petitioner is that the petitioner was not arrested from the spot. Merely that the petitioner was not arrested from the spot does not give him the right to get the concession of anticipatory bail unless and until any factual assertion, duly supported by some evidence, is made that he has been falsely involved in the said case.

In the present case, a raid was conducted by the police on the basis of a secret information and more than one lakh litre of illicit liquor was recovered. The custodial interrogation of the petitioner is necessary to find out various aspects leading to the recovery of such a huge quantity

of illicit liquor including the fact, where the said illicit liquor was being sold. Prima facie, the petitioner is a habitual offender as there are other three FIRs registered against him, two being under the Excise Act.

Keeping in view the facts and circumstances of this case and the allegations alleged against the petitioner, no ground is made out to grant the benefit of anticipatory bail.

Dismissed.

August 20, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No