

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(103)

CRM-M-47743-2021

Date of decision: - 15.11.2021

Sukhwant Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Sukhveer Kaur, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.
(keeping in view the advance copy given).

(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.32 dated 13.03.2021, registered under Sections 61-1-14, 78(2) of the Punjab Excise Act, 1914, at Police Station Raja Sansi, District Amritsar (Rural).

Learned counsel for the petitioner argues that in the present case, the petitioner was not arrested from the spot and as nothing is to be recovered from him and also the fact that two other co-accused, namely, Gurpreet Kaur and Palwinder Kaur have already been extended the benefit of anticipatory bail by this Court, the petitioner may kindly be extended the same benefit as he is ready to join and cooperate in the

investigation.

Notice of motion.

Mr. Sandeep Singh Deol, 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 on the other hand submits that the petitioner is a habitual offender and even the present allegations have been come out into existence while he is on bail in other two cases. Learned State counsel further submits that apart from the present case, there are two other cases involving the petitioner at the same police station.

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

The allegations against the petitioner is of manufacturing illicit liquor and the petitioner is already facing similar kind of allegations in two other cases, in which he is on bail and the present act is attributed to the petitioner while he is on bail, which prima facie shows that the petitioner has violated the terms and conditions of the bail earlier granted to him. Further, the quantity of Lahan recovered is 13620 Lts apart from 150 bottles of illicit liquor, which is a huge quantity and sources from where the said illicit liquor is being sold is yet to be unearth by the police during the investigation. Furthermore, co-accused, namely, Gurpreet Kaur and Palwinder Kaur while seeking the anticipatory bail have alleged that the main accused is the petitioner. Number of people have died by

consuming illicit liquor, which illegal act needs to be curbed with stern hands for which the modus operandi needs to be elicited during the investigation for which the custodial interrogation of the petitioner is necessary.

Further, this is not a case, where allowing the petitioner to join into investigation and co-operate will achieve purpose of investigation. Even the Hon'ble Supreme Court of India in 'State represented by the C.B.I. Vs. Anil Sharma', 1997(4) R.C.R.(Criminal) 268, has held that in case where serious allegations have been alleged and the truth needs to be elicited from the accused, the same can only be done through the custodial interrogation as compared to questioning a suspect, who is already on anticipatory bail. In the present case, as the allegations against the petitioner are serious in nature, hence, the police has to be given an effective hand to elicit the truth, which can only be done by the custodial interrogation of the petitioner.

Keeping in view the above, no ground is made out to grant the petitioner the benefit of anticipatory bail.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 15, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No