

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

CRM-M-21383-2022

Date of Decision: 06.07.2022

Pawan Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through the instant petition, the petitioner seeks anticipatory bail in case bearing FIR No.41 dated 12.04.2022 registered under Sections 61, 78(2) of the Punjab Excise Act, 1914 and Section 420 IPC, at Police Station Division No. 1 District Jalandhar.

Status report dated 06.07.2022, by way of affidavit of the Assistant Commissioner of Police (North), Jalandhar, has been filed in the Court today. The same is taken on record.

Learned counsel for the petitioner submits that acting on a tip-off, a raid was conducted and co-accused, namely, Jasbir Singh was apprehended at 'Y' point at Bhagat Singh Colony in i-20 car with 25 boxes of liquor make 111 Gold Pure Grain Whiskey; that on the disclosure statement of the aforesaid co-accused, the raid was again conducted at the disclosed place from where co-accused Gurdeep Singh was apprehended and during search of his house, 275 boxes of whiskey had also been recovered. On the disclosure statement of Gurdeep Singh, the petitioner being the tenant of the said house from where 275 boxes of

whiskey had been recovered, was indicted in the present case. He further submits that the present petitioner is Pawan Kumar son of Subhash Chander whereas the contract of tenancy is in favour of Pawan Kumar son of Hans Raj.

Learned counsel for the petitioner further contends that the the petitioner has no concern with the liquor recovered from the co-accused and he has falsely been implicated in the present case.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that a huge quantity of liquor had been recovered from the house, which had been taken on rent by the petitioner.

I have heard the learned counsel for the parties.

As per the case of the prosecution, on 12.04.2022, acting on a tip-off, the police raided the spot and had recovered 25 boxes of liquor make 111 Gold Pure Grain Whiskey for Export Overseas only, from the car of Jasbir Singh. During investigation, Jasbir Singh disclosed that Raman Kumar and Pawan had stored a huge quantity of liquor in a godown at village Dhaliwal Bet. Thereafter, the raid was conducted at the disclosed place from where one Gurdeep Singh had been apprehended and during search of one room of said house, 275 boxes of liquor make 111 Gold Pure Grain Whiskey from Export Overseas only, had been recovered.

A perusal of the status report filed by the Assistant Commissioner of Police (North), Jalandhar, would reveal that the godown from where recovery of the heavy quantity of liquor was effected, had been under the possession of the petitioner, who had taken

it on rent for Rs.3,500/- per month from one Swaran Singh, who had also produced the original valid and effective rent deed dated 31.03.2022 (Annexure R-1).

Ex facie, the contentions of the learned counsel that the petitioner has been falsely implicated in this case and has no concern with the liquor, lack merit. As is evident from the record, very direct and serious allegations are assigned that 275 boxes of liquor were recovered from the house/godown, which had been taken on rent by the petitioner. The petitioner would not have been implicated by planting such a huge quantity of liquor without any rhyme or reason.

Keeping in view the recovery of indicated liquor, this Court finds that the petitioner is required for custodial interrogation to take the investigation to its logical end and to ascertain the source of such huge liquor and the beneficiary thereof.

Therefore, finding no merit in the present petition, the same is dismissed.

Needless to mention that nothing observed, hereinabove, would reflect, in any manner, on merits of the main case, as the same has been so recorded for the limited purpose of deciding the present petition for anticipatory bail.

06.07.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No