

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

**CRM-M No. 23049 of 2022
Date of Decision: 25.05.2022**

Jaswant Singh alias Gora

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. M.S. Rana, Advocate, for the petitioner.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition cast under Section 438 Cr.P.C., seeks grant of anticipatory bail in case FIR No. 16 of 27.01.2022, which was registered against him, at Police Station Kartarpur, Jalandhar, District Jalandhar, constituting therein offence(s) under Section 61/1/14 of the Punjab Excise Act, 1914.

2. Notice of motion.

3. Mr. Harpreet S. Multani, Assistant Advocate General, Punjab, appears and waives service of notice on behalf of the respondent.

4. The police team, on receiving prior information qua the bail petitioner, indulging in selling illicit liquor, proceeded to the residential premises of the bail petitioner, and, though from there they were able to recover 25 bottles of country-made liquor, but were not able to nab the petitioner, as, he fled from the crime site.

5. Be that as it may, though the fleeing of the present petitioner from the crime site, is reflective of conduct inconsistent with his innocence, yet since the recovery of 25 bottles of country-made liquor, has become

effected from the apposite residential premises, and, when only for the

purpose of ensuring the makings of recovery, this Court would have deemed it fit and appropriate to order for the custodial interrogation of the petitioner, whereas, when as above stated, the relevant recoveries have been effected, at the crime site, therefore, this Court does not deem it fit to order for custodial interrogation of the petitioner.

6. In consequence, when also no evidence has been adduced by the prosecution, suggesting that in the event of the bail applicant being enlarged on pre-arrest bail, there is every likelihood of his fleeing from justice, and, or, tampering with prosecution evidence. Therefore, this Court does not deem it fit to order for the custodial interrogation of the bail petitioner.

7. However, the learned State Counsel opposes the grant of pre-arrest bail to the bail applicant, on the ground that the bail applicant is an habitual offender.

8. The afore made submission is benumbed, upon this Court, making stringent conditions upon the bail applicant, inasmuch as, his making an undertaking before the Investigating Officer concerned, that he shall not re-indulge in any criminal activity, whereupon, on breach thereof, the benefit of anticipatory bail, as granted to him shall become *ipso facto* annulled, leaving liberty to the Arresting Officer, to forthwith arrest him, and, to thereafter, produce the bail applicant before the learned Magistrate concerned, for appropriate directions, *vis-a-vis*, an order of judicial custody being made, upon him.

9. Consequently, with condition (*supra*), the instant petition is disposed of. In sequel, it is ordered that in the event of arrest of the bail

applicant-petitioner, he be released, by the Investigation Officer, on his furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before him, and, also subject to his not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also, as and when he is summoned by the investigating officer, through a written Hukamnama, his cooperating in the investigations to be made into the offence(s) concerned.

May 25, 2022
'dk kamra'

(SURESHWAR THAKUR)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>