

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 37751 of 2021 (O&M)

Date of Decision: 28.03.2022

Sukhwinder Singh @ Soni

..... Petitioner

V/s.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Chandan Singh Rana, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

1. The petitioner, by filing the present petition under Section 438 Cr.P.C., seeks grant of anticipatory bail in case FIR No. 36 of 03.04.2021, which was registered against him, at Police Station Ladhawal, District Ludhiana, Punjab, constituting therein offences under Sections 61/ 1/ 14 of the Excise Act.

2. The incriminatory role, as, assigned to the bail applicant – petitioner is of his operating an illicit distillery, and, therein his producing *laahan*/ illicit liquor.

3. The learned State counsel, on instructions given to her, by ASI-Rajesh Kumar, submits that from the crime site, the Investigating Officer concerned has effected recovery of 10 bottles weighing 750 ml each, and also has made recovery therefrom of 10,000 litres of *laahan*.

4. Since the aforemade recovery has been effectuated, from the crime site, by the Investigating Officer concerned, therefore, bearing in mind the afore made submission, it is deemed not fit and appropriate to order for the custodial interrogation of the bail-applicant.

5. 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, inasmuch, as he is involved in three other criminal cases.

6. 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 either reoperating the Distillery or selling illicit liquor, 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.

7. 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 Investigating 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.

28th March, 2022

Sonia Puri

(SURESHWAR THAKUR)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No