

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38985-2020 (O&M)
Date of Decision:-28.7.2022

Rachpal Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Veneet Sharma, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.109 dated 28.7.2020, Police Station Sultanwind, Amritsar City, District Amritsar, under Section 61 of Punjab Excise Act, 1914.
2. The FIR was lodged pursuant to receipt of secret information by ASI Jagjit Singh to the effect that Bikramjit Singh @ Vicky indulged in sale of illicit liquor and alcohol and that even on the given day he was proceeding in silver coloured Innova vehicle bearing registration No.PB-13-U-0093 carrying alcohol or liquor for the purpose of sale and was proceeding towards Amritsar. Pursuant to receipt of said information ASI Jagjit Singh informed

Excise Inspector Navtej Singh and also apprised the accompanying officials. During the course of checking vehicles, the police intercepted silver coloured Innova vehicle bearing registration No.PB-13-U-0093, which was coming from Jandiala. When the ASI and others signalled the said vehicle to stop, the driver stopped the vehicle a little short of the barricades and a person alighted down from the said vehicle and started running. However, the police was able to apprehend him. Upon inquiry, he disclosed his name as Bikramjit Singh @ Vicky. Upon search of Innova vehicle two plastic drums filled with 200 liters of alcohol in each of them were recovered for which Bikramjit Singh @ Vicky could not produce any license or permit. During the course of interrogation, he disclosed that he had purchased the said alcohol from the petitioner Rachpal Singh and from one Sukha.

3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and has been nominated subsequently on the basis of a disclosure statement allegedly made by Bikramjit Singh @ Vicky to the effect that he had purchased the recovered alcohol from the petitioner, whereas such like disclosure statement would hardly carry any evidentiary value particularly when there is no other evidence to connect him with the alleged recovery.
4. Opposing the petition, learned State counsel has submitted that the menace of spurious and illicit liquor prepared from industrial alcohol or other chemicals has assumed alarming proportions and which many a times also proves fatal as several gullible consumers have lost their lives. Learned State counsel submitted that the petitioner is a seasoned criminal having been involved in as many as 22 cases, the details of which are duly mentioned in the reply

filed by State, and infact even stands convicted in several cases and, in these circumstances, does not deserve the concession of anticipatory bail.

5. I have considered rival submissions addressed before this Court.
6. It is certainly not in dispute that the petitioner was never arrested at the spot and it is one Bikramjit Singh @ Vicky, who was arrested at the spot and from whose possession 400 liters of alcohol was recovered and it was pursuant to his disclosure statement that the petitioner came to be nominated.
7. The legal position regarding value of a disclosure statement is also well settled and in the absence of any other corroborative evidence, the same would hardly be useful to the case of prosecution. However, the antecedents of the petitioner would show that he is a habitual offender having been involved in a large number of cases, the details of which are stated in the reply filed by State and are reproduced hereinunder:

Sr. No.	Details of FIR	Present Status
1.	FIR No.16, dated 05.02.2008, U/S 307, 353, 186, 324, 148, 149 IPC, PS Sarhali, District Tarn Taran.	Convicted
2.	FIR No.109/2008, U/S 380, 511, 427 IPC, PS Sarhali, District Tarn Taran.	Convicted
3.	FIR No.58/2009, U/S 498A, B, C, 420, 468, 471, 411, 379 IPC, PS City Patti, District Tarn Taran.	Convicted
4.	FIR No.183, dated 23.10.2009, U/S 382 IPC, PS City Patti, District Tarn Taran.	Convicted
5.	FIR No.22, dated 25.02.2021, U/S 382, 353, 186, 295, 379, 506, 34 IPC, PS Sarhali, District Tarn Taran.	Convicted
6.	FIR No.149, dated 22.10.2000, U/S 15 NDPS Act, PS Sarhali, District Tarn Taran.	Acquitted
7.	FIR no.54, dated 12.03.2003, U/S 365, 302, 201, 34 IPC, PS City, District Tarn Taran.	Acquitted
8.	FIR No.89, dated 01.10.2007, U/S 489A, B, C IPC, PS Khalra, District Tarn Taran.	Convicted

9.	FIR No.33, dated 23.02.2009, U/S 380 IPC, PS Goindwal Sahib, District Tarn Taran.	Acquitted
10.	FIR No.108, datd 11.09.2009, U/S 489 A, B, C IPC, PS Saarhali, District Tarn Taran.	Convicted
11.	FIR No.83, dated 8.10.2008, U/S 364, 420, 120-B IPC, PS Goindwal Sahib, District Tarn Taran.	Acquitted
12.	FIR No.44, dated 3.4.2013, U/S 411, 414, 4389A, B, C IPC, PS Sarhali, District Tarn Taran.	Untraced
13.	FIR No.301, dated 15.11.2014, U/S 411, 414, 489A, B, C IPC, 15, 18, 21, 22 NDPS Act, 3, 34, 20 IPC Act, 14 F Act, PS City Patti, District Tarn Taran.	Under Investigation
14.	FIR No.309, dated 17.08.2014, U/S 420, 419, 471, 34 IPC, PS City Patti, District Tarn Taran.	Acquitted
15.	FIR No.235, dated 10.12.2002, U/S 15 NDPS Act, PS Sarhali, District Tarn Taran.	Cancelled
16.	FIR No.218/2020, U/S 328, 120-B IPC, 61, 63/1/14 Excise Act, PS Vairowal, District Tarn Taran.	Under investigation and petitioner is yet to be arrested
17.	FIR No.218, dated 27.07.2020, U/S 302, 304, 328, 326, 109, 120-B IPC, 61, 63/1/14 Excise Act, 6 Poison Act, PS City, District Tarn Taran.	Under trial and PO proceeding are underway against petitioner.
18.	FIR No.253, dated 31.07.2020, U/S 302, 304, 307, 328, 120-B IPC, 61, 63/1/14 Excise Act, PS Sadar, District Tarn Taran.	Under trial and PO proceeding are underway against petitioner.
19.	FIR No.223, dated 2.8.2020, U/S 328, 326, 272, 109, 114, 120-B IPC, 61, 63/1/14 Excise Act, PS City	Under trial and PO proceeding are underway against petitioner.
20.	Fir No.226, datd 3.8.2020, U/S 272, 273, 109, 120-B IPC, 61, 63/1/14, Excise Act, PS City	Under trial and PO proceeding are underway against petitioner.
21.	FIR No.188, dated 8.5.2004, U/S 223/224/419/120-B IPC, PS Sadar, Amritsar.	PO
22.	FIR No.221, dated 31.07.2020, U/S 304, 328, 272, 120B IPC, 61, 63/1/14 Excise Act, PS City, District Tarn Taran.	Under trial and PO proceeding are underway against petitioner.

8. The aforesaid particulars would show that the petitioner has consistently been involved in crime ever since the year 2004 and already stands convicted in 8 cases. Still further it is noticed that the petitioner has also been declared a proclaimed offender in one case and proceedings under Section 82 Cr.P.C. are stated to be pending in as many as 5 cases, which would rather reflect on his tendencies to flee from justice. In these circumstances, this Court does not find any special case for grant of anticipatory bail to the petitioner particularly in view of his conduct in absconding and also for the purpose of eliciting further details of the entire scam and as to who else is involved in this business and as to from whom he had procured the alcohol in question. The petition, as such, is sans merit and is hereby dismissed.
9. It is, however, directed in case the petitioner surrenders before the trial Court within a period of 15 days from today and applies for grant of regular bail, the learned trial Court shall endeavour to dispose of the same expeditiously as may be conveniently possible.

28.7.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No