

CRM-M-8577 of 2023

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

CRM-M-8577 of 2023
Date of decision: 17.02.2023

Sukhdev Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Pankaj Garg, Advocate,
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.11 dated 24.01.2023 under Section 61 of the Punjab Excise Act, registered at Police Station Sardulgarh, District Mansa.

Brief facts of the case are that on 24.01.2023, the officials of P.S. Sardulgarh received secret information that petitioner-Sukhdev Singh is habitual of distilling illicit liquor at his residence situated at Village Jatana Kalan and that if raid is conducted, illicit liquor or *lahan* can be recovered. Finding the information to be reliable, *ruqa* was sent to the police station and on the basis whereof present FIR was registered. Thereafter, raid having been conducted at the residence of

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petitioner-Sukhdev Singh, he was not found present there and 50 litres *lahan* was recovered from the house of the petitioner.

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case only on the basis of secret information, whereas, he was not apprehended on the spot. He further submitted that the petitioner has been made a scapegoat by the police officials as they were adamant to implicate him in some false case. The petitioner has nothing to do with the alleged recovery. No independent witness was joined by the police at the time of alleged recovery. Nothing has to be recovered from the petitioner and hence, his custodial interrogation is not required in the case. No other case is pending against the petitioner. Learned counsel further submits that the petitioner is not involved in any other case and he is ready and willing to join investigation as and when required by the Investigating Agency.

Pursuant to the advance copy of petition having been sent, Mr. Adhiraj Singh, Assistant Advocate General, Punjab, has appeared on behalf of respondent-State of Punjab in this case and opposed the present petition on the ground of seriousness of offence. He submits that the petitioner is required for thorough investigation of the case, hence, he does not deserve the concession of anticipatory bail.

I have heard learned counsel for the parties and have perused the record.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent

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persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

After considering the submissions of learned counsel for the parties, I am of the view that the allegations against the petitioner are serious in nature. A huge quantity of 50 litres of *lahan* was recovered from the house of the petitioner. It is a known fact that the menace of illicit liquor is a serious problem in State of Punjab, especially in view of the deaths due to its consumption in the past. The mere fact that the petitioner was not apprehended at the spot, would not vest a right in him for the grant of anticipatory bail. Confiscation of 50 litres of *lahan* is certainly a relevant factor for consideration of anticipatory bail to an accused.

In ***State represented by the C.B.I. versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268***, Hon'ble the Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful information.

In ***Jai Prakash Singh Versus State of Bihar and another etc., 2012(2) RCR (Criminal) 251***, Hon'ble the Apex Court observed that neither anticipatory bail nor regular bail can be granted as a matter of rule and the anticipatory bail being an extraordinary privilege should be granted only in exceptional cases.

Keeping in view the above facts and circumstances, the petitioner in the present case is not entitled for grant of anticipatory bail

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as no exceptional circumstance has been brought forth in that regard.
Accordingly, the present petition under Section 438 Cr.P.C. seeking
grant of anticipatory bail to the petitioner is dismissed.

17.02.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No