

(106) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37327-2023
Date of Decision: 02.08.2023

MALKIAT SINGH @ SONA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.S. Sidhu, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail in case bearing FIR No.104 dated 09.07.2023 (Annexure P-1) registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Bhikhiwind, District Tarn Taran.

2. The brief facts of the case are that while the police party was on patrolling duty and had reached near the Power House, Kalsian Kalan, then it was informed that Malkiat Singh @ Sona (petitioner) son of Bakhshish Singh was habitual of preparing and selling illicit liquor in heavy quantity at his house. If a raid was conducted, heavy quantity of Lahan, illicit liquor and Bhathi in working condition could be recovered from his house.

Based on the said information, the instant FIR came to be registered. The police party proceeded to the spot. However, while the

petitioner slipped away and could not be arrested, the recovery of 2100 Kgs of Lahan was effected from his house contained in 11 drums.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There was violation of Section 100 Cr.P.C. No independent witness had been joined in the police party nor was any videography done. Therefore, the false implication of the petitioner could not be ruled out. Even otherwise as the recovery stood effected, no case for custodial interrogation was made out.

4. On the other hand, the learned State counsel contends that the recovery was duly effected from the residence of the petitioner on the basis of a raid conducted on account of secret information received. He contends that the question of planting such a heavy amount of illicit liquor does not arise. Even otherwise, the petitioner has not been able to establish any motive to falsely implicate him and nor has he furnished any explanation for the Lahan recovered from his house other than stating that he has been falsely implicated.

5. I have heard the learned counsel for the parties.

6. Admittedly, the allegations against the petitioner are extremely grave. 2100 Kgs of Lahan has been recovered from his house contained in 11 drums. There is absolutely nothing to suggest that the petitioner might have been falsely implicated in the present case. Looking at the seriousness of the allegations levelled against the petitioner, he is not entitled to the concession of anticipatory bail as custodial interrogation is necessary to take the

investigation to the logical conclusion as well as to ascertain as to from where he had procured the Lahan and where it was to be sold.

7. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

02.08.2023
JITESH

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