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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M 48870-2023
Date of Decision 05.10.2023*Jaswinder Singh**.....Petitioner**versus**State of Punjab**...Respondent***Coram Hon'ble Mr. Justice Rajbir Sehrawat**Present: Ms G K Mann, Senior Advocate with
 Mr. Gursharan Singh, Advocate
 for the petitioner

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Rajbir Sehrawat, J, (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 0226 dated 25.08.2023, registered under Sections 61/1/14 of the Punjab Excise Act, 1914, at Police Station Jandiala, District Amritsar Rural.

It is submitted by counsel for the petitioner that the case against the petitioner is totally false, frivolous and fabricated. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the petitioner is alleged to be indulging into the sale of illicit liquor by preparing the same from alcohol in his house. However, the said illicit liquor was recovered from one Bolero vehicle bearing registration No.

PB-11-CU-0210. It is also submitted that the petitioner is not the owner of

the said Bolero vehicle. Therefore, the petitioner has wrongly been involved in the case. It is further submitted by counsel for the petitioner that the police had not joined any independent witness at the time of the alleged recovery, despite the fact that the place of alleged occurrence is in the *abadi deh*. Moreover, the offences are triable by the Magistrate. The petitioner shall join the investigation as and when called by the police. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Sandeep Singh, Additional Advocate General, Punjab accepts notice on behalf of the respondent – State.

It is submitted by counsel for the State, being instructed by ASI Balkar Singh that the petitioner is indulging in a heinous crime of preparing spurious liquor by using the alcohol. A huge quantity of alcohol, more than 1000 liters, has been recovered from the house of the petitioner. Though the alcohol was found in a Bolero vehicle, however, the same was parked within the premises of the house of the petitioner. It was not only the police, rather, the Excise Inspector of the area was also joined, as a witness in the case at the time of recovery. Not only that, even the vehicle in question belongs to the petitioner. The petitioner is also involved in four more cases of similar nature. The police need custodial interrogation of the petitioner to unearth the true dimensions of the involvement of the petitioner in the crime. Therefore, the petitioner does not deserve to be protected against his arrest.

In view of the facts and circumstances of the case, as well as, submissions made by counsel for the State, this Court does not find it appropriate to interfere in the matter so as to grant concession of anticipatory

bail to the petitioner, at this stage.

Dismissed.

(Rajbir Sehrawat)
Judge

05.10.2023
mohan bimbura

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No