



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.24273 of 2024
Decided on: 12.09.2024

Sukhdev Singh @ Sukha ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. S.P. Soi, Advocate
for the petitioner.

Mr. Sukhdev Singh, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
31	09.04.2024	Mehatpur, District Jalandhar Rural	61 of Punjab Excise Act, 1914

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.

2. In paragraph 10 of the bail petition and reply dated 11.09.2024, the accused has following criminal antecedents, the details of which are as under:

Sr. No.	FIR No.	Offences	Police Station
1.	53 dated 19.05.2022	Under section 61 Excise Act	Mehatpur
2.	5 dated 17.01.2015	Under Sections 22, 61 of NDPS Act, 1985	Bilga

3. Vide order dated 15.05.2024 passed by Coordinate Bench of this Court, the petitioner was granted interim bail which is continuing till date.

4. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“4. That the brief facts of the present case are that on 09.04.2024, ASI Jaswinder Singh No. 366/JAL alongwith fellow Police officials by boarding private vehicle for patrolling and checking bad persons, were going from Police Station Mehatpur to Village Gonsuwal Tibba. When Police party reached a little away from Gonsuwal Tibba then secret information received to the Police to the effect that Sukhdev



Singh alias Sukha (present petitioner) is in the work of selling Illicit liquor and if a raid is conducted then illegal liquor or lahan (spurious liquor) can be recovered. Therefore, written intimation was sent through PHG Jaswinder Singh No. 27759 to the Police Station Mehatpur for registration of FIR. Hence, FIR No. 31 dated 09.04.2024 U/s 61 of the Punjab Excise Act, Police Station Mehatpur, District Jalandhar (Rural) was registered by the Police against the accused Sukhdev Singh @ Sukha (present petitioner)

5. That ASI Jaswinder Singh No. 366/JAL visited village Gonsuwal Tibba and conducted raid at the house of the present petitioner and found two plastic tubes in the cattle shed and upon checking illicit liquor was found in the same. Further, 04 pits with tarpaulin were found in cattle shed and upon checking the same, spurious liquor (Lahan) was found present in the same. However, the present petitioner fled from the spot.

6. That upon measuring the illicit liquor, 200 bottles in each tube (thereby, 400 bottles in both tubes) and each bottle of 750 ml illicit liquor were recovered by the Police. Upon measuring spurious liquor (Lahan), 500 litres approximate was recovered from each pit and therefore, 2000 litre spurious liquor (Lahan) was recovered."

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

"A) The role of the petitioner:- On the basis of secret information, on 09.04.2024, the Police conducted at the house located in village Gonsuwal Tibba and total 300000 ml illicit liquor (including 02 samples of 180 ml each) and 2000 litre spurious liquor was recovered by the Police.

B) The evidence against the petitioner:-

The sample of illicit liquor was sent for examination to the office of Chemical Examiner vide Road No. 47 dated 22.04.2024 and the result report has been received vide No. 1865 dated 30.04.2024 to the Police from the concerned quarter, as per which, the result is "the sample is illicit liquor". Further, the Test report of illicit spurious liquor was prepared by the Excise Inspector at the spot.

C) In case of dismissal of this petition, would the police arrest the petitioner in this FIR, and do they need the accused's police custody?:- The present petitioner joined investigation in FIR on 22.06.2024 after taking concession of pre-arrest bail vide order dated 15.05.2024 passed by this Hon'ble Court in the present petition. Therefore, arrest of the petitioner is not required as he already joined investigation."

8. There is sufficient prima facie evidence connecting the petitioner with the alleged offense but given the specific stand of the State that the petitioner is not required for further investigation, it is neither a case for custodial interrogation nor pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner’s complying with the following terms.

13. The petitioner is directed to join the investigation within seven days and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. Any observation made hereinabove is neither an expression of opinion on the



case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above and interim order dated 15.05.2024 passed by this Court, is hereby made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.09.2024
Sonia Puri

Whether speaking/reasoned: Yes
Whether reportable: No.