

2024:PHHC:102175



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

105

CRM-M-36838-2024 (O&M)

Date of decision: 08.08.2024

Ranjeet Singh @ Rana**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Amandeep Chhabra, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 101, dated 02.07.2024, registered under Sections 61, 78(2) of the Punjab Excise Act, 1914 at Police Station City Malout, District Sri Muktsar Sahib.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on 02.07.2024 at the instance of HC Lakhvir Singh with the allegations that while on patrolling duty on 01.07.2024, the police party received a secret information that the petitioner, Lovish Sharma and Mohit Sharma used to bring country made and English liquor from Chandigarh at lower rates and used to sell the same in Malout city. It was also informed that on that very day, they had brought liquor from Chandigarh in a car and were unloading the same in

the house of the petitioner. Believing the information to be true, a raid was conducted at the disclosed place. However, on seeing the police party, the petitioner and aforesaid two co-accused succeeded in escaping. On checking of the car, 34 cases of English whiskey, each bottle of 750 ml. make 111, total 408 bottles; 9 cases of English Rum, each bottle of 750 ml. make 111, total 108 bottles and 12 bottles of liquor without make and label, were recovered. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Sessions Judge, Sri Muktsar Sahib but the same had been dismissed, vide order dated 18.07.2024. Hence, the petitioner has filed the present petition.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. The story put forth by the prosecution is concocted one. In fact, no raid was ever conducted on the house of the petitioner and the recovery shown to have been effected was rather planted by the police itself due to political vendetta. No independent witness was joined at the time of recovery. Even the petitioner has not been residing at the house, from where the alleged recovery had been effected, and the same house has been rented out to one Lovish, vide rent agreement dated 27.05.2024 (Annexure P-2). The petitioner is ready to join the investigation. No further recovery is to be effected from him. No useful purpose would be served by sending him into custody. Therefore, it is urged that the present petition deserves to be allowed.

4. *Per contra*, learned State counsel, in terms of the status report filed today in Court, has argued that there are serious and specific allegations

against the petitioner. A huge quantity of illegal liquor has been recovered in front of the house of the petitioner. The investigation is at initial stage. The report of the Chemical Examiner, Kharar is still awaited. All the accused are absconding. Custodial interrogation of the petitioner is must for the purpose of thorough investigation in the matter as well as for eliciting information about the source from where the illicit liquor without having any label was procured by the petitioner. Therefore, it is argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. As per allegations, the petitioner along with aforesaid two co-accused used to bring liquor from Chandigarh and sell the same in Malout city. On the basis of a secret information, a raid was conducted and recovery of a huge quantity of illegal liquor has been effected in this case. Even on some of the bottles of recovered liquor, there was no label of any company, make etc. The petitioner is stated to be running an inter-state racket of liquor smuggling. Hence, in order to know the source of the recovered liquor as well as for thorough investigation in the matter, the custodial interrogation of the petitioner is must. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 438 of Cr.P.C. are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a

suspect who is well ensconced with a favourable order under Section 438 of Cr.P.C. Many useful information can be disinterred during custodial interrogation. It has also to be seen that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. It is also a matter of discretion to grant or not to grant pre-arrest bail. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out. Accordingly, finding no merit, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

08.08.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No