

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-10058-2025 (O&M)

Date of Decision: 27.02.2025

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Jatinder Singh

... Petitioner

VS.

State of Punjab

... Respondent

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CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

\*\*\*\*

Present: Mr. Vaiibhav Naarang, Advocate for the petitioner

Mr. JS Rattu, DAG Punjab

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**Sandeep Moudgil, J.**

**Relief claimed**

(1). This petition has been filed under Section 483 of BNSS of 2023 for grant of regular bail to the petitioners in FIR No.132 dated 04.10.2023 under Sections 61, 1 and 14 of Punjab Excise Act, 1914 registered at Police Station Rajasansi, District Amritsar Rural.

**Facts**

(2). Facts as emerging in the FIR is reproduced as under:-

*“today myself ASI including... on private vehicle including laptop kit patrolling and in search of bad elements we were present at Bus Stand Othia where Excise Inspector Smt. Gurmeet Kaur Circle Ajnala along with Excise Staff ASI Bikramjit Singh 6/158 IRB, HC Gurdayal Singh 6/08 IRB came, then the informer came to me and informed me that Harpreet Singh and Jatinder Singh, sons of Jaswant Singh, residents of village Kotli Sakka, police station, Rajasasi, are involved in trade of manufacturing and selling the illegal liquor in their house. If raided be conducted now, they can be caught with illicit liquor or running furnace. Then myself ASI along with Excise inspector with police party have tried to join the public witness with police party before conducting raid in the house of accused Harpreet Singh and Jatinder Singh son of Jaswant Singh resident of village Kotli Sakka police station Rajasansi. However, every person has shown his inability to join the police party and no one got ready. Then myself ASI along with other employees conducted raid in the house of Harpreet Singh and Jatinder Singh son of Jaswant Singh, resident of above said. Then the gate of his house was open. In a room inside the*

house Harpreet Singh and Jatinder Singh son of Jaswant Singh resident of above said were running their hands in plastic canes. Above said both persons Harpreet Singh and Jatinder Singh sons of Jaswant Singh resident of above said after seeing the police tried to runaway by climbing the wall of the house, who were followed by myself ASI along with police party, however, they could not be apprehended and they succeeded in running. Thereafter, ASI checked the drums lying inside the room then 13 drum plastic and 3 iron drums along with illicit liquor have been recovered. Then myself ASI after making the appropriate arranged for measuring the drums found that 180/180 KG total 2880 KG illicit liquor have been recovered. Thereafter, myself ASI went inside and saw that 2 furnaces were just closed, from which the steam was coming out, with two cylinders and 2 gas burners and 2 regulators plastic attached. Above the furnaces iron drums were fitted, above the drums sand was there and over there buckets were fitted with sand and 2 steal utensils (Patila) were lying there. On instructions given by myself ASI other officials taken out the bottle from the buckets have destroyed the furnace and waited to get the country made liquor cold. Then myself ASI made arrangement to measure the iron drums lying over the furnace which had Bholiar country made liquor, when it was measured, it was found 150-150 total 300 KG Bholier country made liquor. Which was checked by Mrs. Gurmeet Kaur Excise Inspector Circle Ajnala, covered the drumma with Borri and sealed it with rope Seba and sealed and stamped it with her letter seal G.K. and gave her written report. After this, I ASI checked 2 cans of plastic lying near running furnace, which were hot, from which freshly distilled liquor was found to be illicit. The recovered illegal liquor was measured by myself ASI after making arrangement from the first plastic can 46 bottles of 750/750 ML out of which 180 ML quarter separately has been taken out and the remaining illegal liquor kept in that plastic cane and plastic cane and quarter were closed with the cap and tied with rope, myself ASI has sealed with my stamp PS and from the second plastic cane 47 bottles 750/750 ML from which one quarter sample of 180 ML has been taken out and remaining illegal liquor has been kept in that plastic cane and plastic cane and quarter has been closed with the cap and tied with rope and sealed with my stamp PS and sample of stamp PS has separately been prepared and compliance of form M-290 has been done. The stamp after usages has been handed over to HC Mehtab Singh 243, police station Raja Sansi. The recovered country made 3180 KG, illegal liquor 69750 ML, 2 gas burners, 2 Chakale, 2 cylinders, 2 buckets, 2 pots and 2 regulator plastic were taken into police possession vide separate memo. The accused Harpreet Singh and Jatinder Singh son of Jaswant Singh of village Kotli Sakka have committed the crime of 61-1-14 of Excise Act by keeping illegal liquor and country made liquor in their house and furnace. For that ruqa has been written and for registration of FIR sent by hand PHG Prem Singh 2932 to police station. The FIR may be registered and its number may be informed. Control room may be informed through wireless. Myself ASI along with other officials are busy at spot in

*investigation. Verified as correct Parminder Singh ASI Chowki Othia, Police Station Rajas Sansi dated 04.10.2023. At bus stand Othia at 7.00 dated 04.10.2023.”*

**Submissions of the petitioner**

(3). Counsel for the petitioner has submitted that the petitioner was wrongly implicated in the present case through fabricated recovery of alleged lahan and working stills and no independent witness was present during the alleged recovery. He submits that the petitioner has been in custody since 25.02.2024 and the previous FIRs filed against him for similar offenses were motivated by political rivalry. He then averred that no further recovery is anticipated from the petitioner and no public witness was joined.

**Stand of the State**

(4). Learned State counsel has filed the custody certificate dated 25.02.2025 which is taken on record, according to which, the petitioner has undergone 1 year of custody and there is one other FIR pending and in one case, production warrant has been issued against him and pursuant to submission of challan on 16.04.2024, charges have been framed on 04.07.2024 and out of total 11 PWs, 2 PWs have been examined till date.

(5). He then argued that serious and specific allegations have been made against the petitioner, who, in collusion with his brother and co-accused Harpreet Singh, was allegedly involved in the illicit distillation and sale of liquor using working stills. A substantial quantity of lahan was recovered from his possession and notably, the petitioner is a habitual offender, with three additional criminal cases of a similar nature pending against him. Given the severity of the offense, which poses a threat to society at large, the petitioner is not entitled to regular bail.

**Analysis**

(6). Heard learned counsel for the parties.

(7). Considering the custody period undergone by the petitioner i.e., one year against the maximum sentence awardable of 3 years. In another case of similar nature, he is on bail and is required on production warrant in another case. The investigation is complete, challan stands presented on 16.04.2024 and out of 11 PWs, only 2 have been examined till date, meaning thereby the conclusion of trial shall take long time, no useful purpose would be served by keeping the petitioner behind bars for uncertain period, wherein “bail is a rule and jail is an exception” and it would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in **Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.**

(8). This Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in **“Hussainara Khatoon and ors (IV) v. Home Secretary, State of Bihar, Patna”, (1980) 1 SCC 98.** Beside this, reference can be drawn upon that pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

(9). As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as **"Baljinder Singh alias Rock vs. State of Punjab"** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of the concession of bail.

### **Conclusion**

(10). In view of the discussions made hereinabove, this petition is allowed and it is directed that the petitioner be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

(11). However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

27.02.2025

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

**(Sandeep Moudgil)**  
**Judge**

Yes/No  
Yes/No