

CRM-M-43889-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43889-2024
Reserved on: 12.03.2025
Pronounced on: 27.03.2025

Paramjit Singh alias Pamma ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amandeep Singh Manaise, Advocate and
Mr. Daljeet Singh, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
92	29.07.2024	Sadar Tarn Taran, District Tarn Taran	61 of Punjab Excise Act

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. As per paragraph 8 of the bail petition and para 10 of status report dated 10.12.2024, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	253	2020	307, 304, 326, 109, 114, 120-B IPC and 61/63 of Punjab Excise Act	Sadar Tarn Taran
2	181	2020	61 of the Punjab Excise Act	Sadar Tarn Taran, District Tarn Taran

3. Vide order dated 05.09.2024, petitioner was granted interim bail which is continuing till date.

4. The facts and allegations are taken from the order dated 14.08.2024 passed by the Additional Sessions Judge, Tarn Taran, which reads as follows:-

“The very pith of the allegations of the prosecution being that on 29.07.2024, ASI Kawaljit Singh received a secret tip off that accused/applicant indulged in the distilling of illicit liquor at large scale upon which FIR was registered. Thereafter raid was carried out in the

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house of the accused/applicant upon which the accused got a wind about the arrival of the police officials and succeeded in fleeing away from the spot. However he was identified by ASI Gursewak Singh, who was already known to the accused. On the search of the house of the accused, a plastic cane, containing 50 liters of alcohol, 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 on the ground of massive criminal history.

REASONING:

7. Perusal of the above facts shows that from where the illicit liquor was recovered, the petitioner was not apprehended from that spot. Further recovery of alcohol already effected and petitioner also joined into investigation.

8. There is sufficient prima facie evidence connecting the petitioner with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration. Although the evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing the same for the bail stage.

9. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the terms of the bail order.

10. Petition allowed in terms mentioned above. Interim order dated 05.09.2024 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

27.03.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.