



**104 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-65050-2025
Date of decision: 09.12.2025**

PUNJAB SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUBHAS MEHLA, J. (ORAL)

1. Present petition is filed under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner in a case bearing FIR No.86 dated 25.10.2025 under Section 61 of Punjab Excise Act, 1914 registered at Police Station Harike, District Tarn Taran.

2. Brief facts of the prosecution are that on 25.10.2025, the police party received secret information to the effect that Punjab Singh (petitioner herein), son of Nirmal Singh, is habitual of selling illicit liquor by distilling it in his house and if a raid is conducted illicit liquor/*lahan* can be recovered. Following this information, the police party raided the house of the petitioner- Punjab Singh and on conducting search, one plastic drum containing 49 kgs of *lahan* was recovered from his house.

3. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case; nothing has been recovered

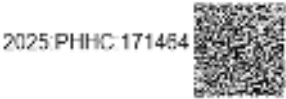


from the petitioner and alleged recovery of *lahan* from his house has been planted in his absence due to party faction in the village; there is no evidence to connect the petitioner with the alleged recovery of 49 kgs of *lahan*; petitioner was not present at the spot and mandatory provisions of Section 103 of BNSS were not complied. Learned counsel has fairly admitted that although, the petitioner is involved in other cases also but he is ready to join investigation. As such, learned counsel prayed for anticipatory bail to the petitioner.

4. Upon advance notice, learned State counsel appeared on behalf of respondent-State and filed status report dated 08.12.2025 by way of affidavit, which is taken on record. Learned State counsel submitted that the petitioner is required for custodial interrogation; as per the status report, at the time of recovery of 49 kgs of *lahan*, provisions of BNSS were adhered and a videography was also made. As such, the petitioner is not entitled to the relief of anticipatory bail.

5. Heard.

6. Keeping in view the submissions made by learned State counsel and taking into consideration the fact that as per the status report, at the time of recovery of 49 kgs of *lahan*, provisions of BNSS were adhered and a videography was also made; the antecedents of the petitioner are not clean and clear as he is involved in other cases also and his custodial interrogation is required, the petitioner is not entitled to the relief of anticipatory bail, in view of law laid down by the Hon'ble Supreme Court in case titled as '***CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806' decided on 03.08.1997***, wherein it has been held as under:-



“....custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders.”

7. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.
8. Nothing observed hereinabove shall be construed as an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

December 09, 2025
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(SUBHAS MEHLA)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |