

Sr. No.242

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-17855 of 2016 (O&M)

Date of Decision: 26.05.2016

Manjeet Singh

... Petitioner

Versus

State of Haryana

... Respondent

CRM No.M-17952 of 2016 (O&M)

Sarabjeet Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. L.M.Gulati, Advocate,
for the petitioner(s).

Mr. A.S.Chaudhary, Additional A.G., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of CRM Nos.M-17855 of 2016 titled as Manjeet Singh Vs. State of Haryana and CRM No.M-17952 of 2016 titled as Sarabjeet Singh Vs. State of Haryana as both these petitions have been filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner(s) herein pending trial in case FIR No.1240 dated 21.12.2015, under Sections 420/467/468/471/120-B of Indian Penal Code and Sections 61/1/14 of Excise Act, registered at Police Station Jhajjar, District Jhajjar.

As per prosecution version, secret information had been received that one Pappu Garg resident of Patiala is doing the work of smuggling illicit liquor and consignment has been got loaded in a commercial vehicle bearing registration No. HR-55-D-4612 and is

proceeding from Patiala towards Gujarat. Secret informant gave out the name of the driver to be Manjeet Singh and the cleaner as Sarabjeet Singh.

Based on secret information, *nakabandi* was laid and the vehicle in question was intercepted and a heavy recovery of liquor was effected.

Manjeet Singh i.e. petitioner in CRM No.M-17855 of 2016 was apprehended on the spot as he was driving the vehicle and Sarabjeet Singh petitioner in CRM No.M-17952 of 2016 was apprehended as he was also the occupant of the vehicle as a conductor/cleaner.

Both the petitioners in these connected petitions have faced incarceration since 21.12.2015.

Challan qua the petitioners herein stands presented on 21.03.2016.

During the course of arguments, it has gone uncontroverted that the ownership of the vehicle in question has been found to be in the name of Gurdeep Singh. Even as per prosecution version, the person behind smuggling of illicit liquor is Pappu Garg.

Pappu Garg and Gurdeep Singh i.e. owner of the truck are still absconding.

Counsel has argued that the petitioners herein were poor employees of the main accused and have no concern with the smuggling of the illicit liquor or with regard to preparing forged/fake documents pertaining to the commercial vehicle.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioners, they are held entitled to the benefit of bail.

Petitions are allowed. Petitioners Manjeet Singh and Sarabjeet Singh be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Jhajjar.

Petitions disposed of.

26.05.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE