

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-19143 of 2016
Date of Decision: 05.09.2016

Narender Singh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Savineet Sharma, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA J.(Oral)

Petitioner – Narender Singh son of Daryao Singh has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.91 dated 27.2.2016 under Sections 420 and 307 of the Indian Penal Code, 1860 and Section 61 of the Punjab Excise Act, 1914 registered at Police Station Gannaur, District Sonapat.

The aforesaid FIR was registered on the basis of a secret information that in factory No.47 of HSIDC, Barhi, illicit country made liquor i.e. Malta make was being prepared in huge quantity and if raid is conducted, the persons who are preparing it, can be caught red-handedly.

The process of making illicit liquor is being carried out during the night.

On the basis of said information, telephonic information was sent to the Excise Department and Shri Sanjay Kumar, AETO and Jai Bhagwan, Inspector, reached at HSIDC Barhi. A raiding party was constituted which reached at the factory. The team peeped into the factory through the window and found that 4/5 persons were filling the bottles with machine and then labelling and packing the same in the boxes. In the meantime, a canter No.HR-58-4664 was found loaded with boxes of liquor in the factory and another canter No.HR-40-C-0220 was found loaded with empty bottles, caps, labels etc. After knocking at the doors, when the gates of the factory were opened, all the persons standing around the machines were apprehended with the help of officials. The apprehended persons disclosed their identity one by one. Accused Deepak disclosed that this entire work was of Narender i.e. petitioner, resident of Shamri, who started the work at night and went away and Narender shall come to supply the liquor after being loaded in the vehicles. When all the apprehended persons were asked about the permit or licence for making country made liquor make Malta, they disclosed that they have no such permit or licence. The apprehended persons disclosed their identities as Deepak, Vikas alias Vipin, Vijay alias Viju and Chandan Kumar.

Learned counsel for the petitioner has argued that the petitioner is being named only on the statement of co-accused and he has no role in the instant case. One Nirmal Khurana is the owner of the shed and the premises in question is owned by him, but he has been left out. Otherwise also, name of the petitioner is not mentioned in the FIR. He is an employee of UHVBNL and has nothing to do with the alleged offence.

No recovery is to be effected from the petitioner. Therefore, the petitioner is entitled to be released on anticipatory bail.

On the other hand, learned State counsel, while opposing the bail application of the petitioner, has argued that the offence committed by the petitioner along with other co-accused is serious in nature. The petitioner is the kingpin of this entire racket and is evading his arrest. He states that the petitioner and the co-accused Deepak are known to each other and the call details between the petitioner and co-accused Deepak shows that they are regularly in touch with each other and has close proximity while committing the offence. He further submitted that vide order dated 28.5.2016, the petitioner was admitted on interim bail with a direction that he will join the investigation, but thereafter, he has not been cooperating with the investigating agency and is not disclosing the source from where he purchased the raw material and to whom he has marketed the country made liquor.

I have heard learned counsel for the parties.

The perusal of the FIR shows that the same was registered when the police found that the accused were preparing illicit liquor inside the factory. As per the FIR, huge quantity of illicit liquor was being prepared and the co-accused have named the petitioner as the main accused. No doubt, the petitioner was not found at the spot, but he has been specifically named by co-accused Deepak. The call details between the petitioner and co-accused Deepak is sufficient to connect his involvement in the case at this stage. The call details are close to the dates of incidents.

Therefore, taking into consideration the seriousness of the matter, more particularly when the petitioner has been named by co-accused Deepak, with whom he was regularly in touch on phone, this Court does not find any merit in the present petition.

Dismissed.

September 05, 2016
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(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No