

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

Criminal Misc.No.M-34159 of 2016 (O&M)
Date of Decision : 03rd October, 2016

Rakesh and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Bijender Dhankhar, Advocate
for the petitioners.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

Petitioners have preferred the instant petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No.107 dated 29.05.2016, registered at Police Station Alewa, District Jind, under Sections 420, 467, 468, 471, 120-B IPC.

As per the allegations, the police had received a secret information that a container coming from Kaithal side may be containing cows. That container was stopped and from that 1637 boxes of smuggled liquor were recovered. As regards the petitioners, the allegation is that the petitioners were passengers in a Scorpio vehicle which was acting as an escort pilot vehicle for the main truck. Learned counsel for the petitioners has argued that one similarly situated co-accused Sanjay was granted

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anticipatory by the learned Addl. Sessions Judge , Jind, vide order dated 16.07.2016 but strangely the same officer has declined the bail application of petitioner Rakesh vide order dated 17.08.2016. Learned counsel for the petitioners have argued that whatever benefit was granted to the similarly situated co-accused, should have been granted to the petitioners also.

Learned State counsel, on instructions from Sub Inspector Jai Narain, is not in a position to deny that the role attributed to Sanjay and the petitioners is identical.

Therefore, I find no reason to take different view and deem it appropriate to release the petitioners on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

Ordered accordingly. Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

Copy of this order be sent to Anil Kumar, Addl. Sessions Judge, Jind, for his information.

03rd October, 2016

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**(AJAY TEWARI)
JUDGE**

Whether speaking

Yes/No

Whether Reportable

Yes/No