

CRM-M-13666-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-13666-2017

Date of Decision: May 11, 2017

Lakhan

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rakesh Nehra, Advocate
for the petitioner.

Mr. Vikas Chopra, Deputy Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (Oral):

Petitioner, who is alleged to be the Driver of the truck from which recovery of liquor and certain documents, which are alleged to have been forged, has been effect, has approached this Court praying for grant of regular bail in FIR No.290, dated 18.07.2016, under Sections 420,467,468 and 471 of the Indian Penal Code and 61 of Excise Act, registered at Police Station Sadar Dadri, District Bhiwani.

It is the contention of the learned counsel for the petitioner that an abandoned truck was taken into possession by the police which contained liquor and certain documents which are said to have been forged. The documents indicated that the liquor was being sent to State of Rajasthan and was to be sold there. Petitioner was not apprehended from the spot. The incident is dated 18.07.2016, whereas, petitioner has been arrested on

03.03.2017. The owner of the truck had taken the truck on *superdari* and

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similarly, liquor has also been got released on *superdari* by its owner. No recovery is to be effected from the petitioner. He, therefore, contends that the petitioner being in judicial custody would not serve any purpose as after the investigation, challan has been presented in Court and the next date of hearing is 15.05.2017 for recording the statements of prosecution witnesses.

Counsel for the State, on the other hand, contends that the petitioner is the person, who had got the forged documents so that he may take the truck to State of Rajasthan to facilitate the sale of liquor there on higher prices. He, therefore, contends that the petitioner does not deserve the concession of bail.

I have considered the submissions made by the learned counsel for the petitioner as also the learned State counsel.

Keeping in view the fact that the petitioner was not arrested from the spot and is in custody since 03.03.2017, challan has been presented in Court after completion of investigation of the case and is fixed for recording the statements of prosecution witnesses, who are all official witnesses as the recovery has been effected by the police officials from the spot, the present petition is allowed. Petitioner is directed to be released on bail to the satisfaction of learned trial Court/Sub-Divisional Judicial Magistrate/Duty Magistrate, concerned.

(AUGUSTINE GEORGE MASIH)
JUDGE

May 11, 2017
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No