

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24995-2017

Date of decision: September 12, 2017.

Pawan Kumar Sharma

... **Petitioner**

v.

State of Haryana and another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Ashok Aggarwal, Senior Advocate with
Shri Mukul Aggarwal and Himanshu Arora, Advocates
for the petitioner(s).

Shri Arjun Singh Yadav, Assistant Advocate General, Haryana.

A.B. Chaudhari, J. (Oral):

By the present petition, the petitioner seeks anticipatory bail in
FIR No.226 dated 18.6.2017, registered under Section 61 of the Excise Act
and 120-B and 420 IPC, Police Station Murthal, District Sonapat.

Learned Counsel for the petitioner submitted that the petitioner
is involved in the transport of liquor in collusion with other accused
persons. The offences alleged against the petitioner are under the Excise
Act though Sections 120-B and 420 IPC have been added. He submits that
the petitioner has joined the investigation pursuant to the order made by this
Court on 19.7.2017 and nothing is to be recovered from him.

Per contra, Learned Counsel for the State opposed the petition
for anticipatory bail and submitted that the deal was fixed between the
petitioner and the Excise Officer for a bribe amount of Rs.50,000/- for
undertaking the illegal activities in relation to the transport of liquor and as

such offences were registered against the petitioner. He therefore prayed for dismissal of the petition for anticipatory bail.

According to the prosecution, the only evidence available against the petitioner is the exculpatory disclosure statement of accused Akib, the brother of the kingpin Feroz who deals in the illicit business of liquor. The submission that the amount of bribe is to be recovered, therefore, custody is required, does not impress me. Further, the offences are under the Excise Act and offence regarding payment of bribe etc. would fall within the framework of Prevention of Corruption Act, 1988 for which there are not even allegations by the prosecution that any demand was made or the petitioner was caught red handed with the bribe amount or accepted the bribe amount after demand. At any rate, the investigating agency under the Prevention of Corruption Act, 1988 is totally different. In the result, I think the interim order made by this Court deserves to be made absolute. In the result, the interim order dated 19.7.2017 is made absolute.

Disposed of.

September 12, 2017.

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[A.B. Chaudhari]
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No