

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30272 of 2017 (O&M)

Date of Decision: 30.10.2017

Rajnish Sharma @ Mintu

...Petitioner

VERSUS

State of Punjab

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Puja Chopra, Advocate
for the petitioner.

Mr. V.G. Jauhar, Sr. D.A.G. Punjab.

SURINDER GUPTA, J.

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 175 dated 24.06.2017 registered for offences punishable under Section 61 of Excise Act, at Police Station Tripuri Patiala, District Patiala.

FIR in this case was registered on the *ruqa* sent by ASI Sohan Singh, who on 24.06.2017 was present in connection with checking of bad elements near PJM School, Bandha Road, Patiala, when he received a secret information that Lakhwinder Kumar @ Lucky brings liquor in huge quantity from Haryana and supplies the same in Patiala and other cities of State. For this purpose, he had kept a car Honda CRV bearing registration no. CH-03-X-4554 on which he had employed Sonu resident of Tazafalpur as driver. Petitioner-Rajnish Sharma @ Mintu is a partner with him in smuggling of liquor to the State of Punjab. On that day, they were bringing huge quantity of liquor in their car from Haryana and a Swift Dzire car bearing registration no. PB-11-CW-2261, which was being driven by

Lakwhinder Kumar @ Lucky was piloting the Honda CRV car and giving information about clearance of the road. A *naka* was held as per secret information and a Swift Dzire car was seen coming from the side of Alipur at about 06.20 p.m. On seeing the police party, driver stopped the car and ran away towards backside. He was identified by HC Pawan Kumar, who was knowing him, as Lakhwinder Singh @ Lucky. Two unknown persons were also sitting in that car. In the meanwhile, another car bearing registration no. CH-03X-4554 came and on seeing the police party, driver tried to turn it but could not be successful. Two clean shaven persons alighted from the car and ran away. The police party chased them and they were identified by HC Pawan Kumar as Sonu of Tafazalpur, who was driving that vehicle and another person as Rajnish Sharma @ Mintu son of Chaman Lal (petitioner). The search of car led to recovery of 60 cartons containing 12 bottles each i.e. 720 bottles of country made liquor (Raseela Santra) having inscription “meant for sale in the State of Haryana only”.

Learned counsel for the petitioner submits that the petitioner was not apprehended at the spot and has been falsely implicated in this case. Recovery has also been effected by the police and custodial interrogation of the petitioner is not required.

It is a case where the petitioner is alleged to have smuggled liquor from Haryana to the State of Punjab. Such type of offences directly effect the exchequer of the State. Name of the petitioner finds mentioned in the FIR and he was also identified at the spot by HC Pawan Kumar. Custodial interrogation of the petitioner is required to crack the racket being run by the petitioner or other persons, concerning their indulgence in such type of smuggling of liquor and intoxicants from other States.

Keeping in view facts of the case and nature of offence, I do not find any reason to exercise the discretionary power of this court to extend the benefit of anticipatory bail to the petitioner.

This petition has no merits. Dismissed.

October 30, 2017

jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No