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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/11/2018 16:24
I attest to the accuracy and
authenticity of this document

CRM-42722-2018 in/and
CRM-M-20422-2018 (O/M)
Date of decision : 4.12.2018

State of Haryana Petitioner (s)

Versus

Harvinderpal Singla Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sandeep Vashisht, DAG Haryana,
for petitioner-State.

Mr. Bipan Ghai, Senior Advocate, with,
Mr. Deepanshu Mehta, Advocate,
for applicant-respondent.

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KULDIP SINGH, J. (ORAL)

CRM-42722-2018

Reply alongwith documents (Annexure-R-1 to Annexure-R-6)
is taken on record.

Application is disposed of.

Main case

This order shall dispose of petition filed by State of Haryana under Section 439 (2) Cr.P.C. read with Section 482 Cr.P.C., for cancellation of bail granted to present petitioner, namely, Harvinderpal Singla, by learned Additional Sessions Judge, Sonipat, vide order dated 29.9.2017, and affirmed on 1.11.2017, in FIR No. 328, dated 16.9.2017, registered under Sections 420, 467, 471, 120-B IPC read with Section 61 of Excise Act, at Police Station Murthal, District Sonipat.

Brief facts of case are that three trucks, loaded with liquor, were recovered by police. These were owned by different companies. Allegations against present petitioner are that built was found, but it was

valid for seven days and had expired. 700 boxes of bottles of Rock Star Deluxe Whiskey were recovered, which were meant for transportation to Arunachal Pradesh. It was alleged that petitioner had made forged bills and built to smuggle liquor illegally.

The learned Additional Sessions Judge, Sonipat, after considering facts and circumstances, granted anticipatory bail, vide order dated 29.9.2017, which was later on affirmed on 1.11.2017. It comes out that petitioner-State had applied for cancellation of anticipatory bail of respondent-accused before learned Additional Sessions Judge, Sonipat, on 2.12.2017. The said application was dismissed on 30.1.2018, by learned Additional Sessions Judge, Sonipat. Now, petitioner-State of Haryana has approached this Court for cancellation of bail on the ground that bills and built were forged and that respondent-accused is not cooperating in investigation.

Perusal of orders dated 16.5.2018, passed by a coordinate bench of this Court, in case of co-accused, namely, Sanjay Saini etc. (CRM-M-8098-2018) and in case of other co-accused, namely, Babu Lal Gupta, Upendra Govind Rao, and Ankit Kumar Dixit (CRM-M-5828-2018) shows that this Court, in different petitions, granted anticipatory bail to respondent-accused and his co-accused, who are directors of companies whose whisky was being transported. It is not alleged that after grant of anticipatory bail, respondent-accused has misused concession of bail and committed any other crime. The State has already tried to get the bail cancelled before learned Additional Sessions Judge, Sonipat. Now, State of Haryana has filed this petition for cancellation of anticipatory bail, granted to respondent accused by learned Additional Sessions Judge, Sonipat. There are no circumstances, which show that anticipatory bail

granted to respondent accused was misused by him. Therefore, there is no ground to cancel anticipatory bail granted to respondent accused by trial Court.

It also comes out that 1 year, little less than 3 months have lapsed, but police has not presented final report under Section 173 Cr.P.C., stating that accused is not cooperating.

All documents are with police. Recovered goods are also with police. Then, there is no reason why final report is being delayed.

The learned State counsel, on instructions from SI Rajbir Singh, CM Flying Squad, Rohtak, states that final report will be presented within one month.

In view of matter, there is no ground to cancel anticipatory bail granted to respondent accused. Petition is thus dismissed.

(KULDIP SINGH)
JUDGE

4.12.2018
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No