

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

(1)

**Crl. Misc. No.M-27894 of 2017 (O&M)
Date of Decision: May 14, 2018**

R.M. Sharma

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

(2)

Crl. Misc. No.M-37231 of 2017 (O&M)

Gagan

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

(3)

Crl. Misc. No.M-37601 of 2017 (O&M)

Firoz

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gautam Dutt, Advocate for
Mr. Abhinav Sood, Advocate
for the petitioner in CRM-M-27894-2017.

Mr. Himanshu Arora, Advocate
for the petitioner(s) in CRM-M-37231-2017
and CRM-M-37601-2017.

Mr. Satish Saini, D.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

All the aforementioned petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.226 dated 18.06.2017 registered for the offences punishable under Sections 420, 467, 468, 471, 120-B of Indian Penal Code, Section 61 of Punjab Excise Act, 1914 and Sections 7/13 of Prevention of Corruption Act, 1988 at Police Station Murthal, District Sonapat.

Heard.

Learned State counsel on instructions from ASI Bir Singh submits that Excise Department had recovered about 2000 boxes of liquor from 5 trucks. Petitioner R.M. Sharma, who is owner of the Beer Factory got released 1300 boxes of liquor illegally from Pawan Kumar Sharma, Excise Inspector by paying bribe. That liquor belonged to Feroz and Gagan (petitioners in CRM-M-37601-2017 and CRM-M-37231-2017).

Learned counsel for the petitioners submit that the offence against the petitioners disclosed in this case is under the Excise Act. So far as co-accused Pawan Kumar Sharma, Excise Inspector is concerned, he has already been allowed anticipatory bail vide order dated 12.09.2017 passed in CRM-M-24995-2017. State had gone in SLP against that order, which was also dismissed.

Keeping in view the above facts but without expressing any opinion on the merits of the case, all these petitions are allowed. Order dated 10.08.2017 passed in CRM-M-27894-2017, 04.10.2017 passed in CRM-M-37231-2017 and 07.10.2017 passed in CRM-M-37601-2017 are made absolute till presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court;
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court.

May 14, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***