

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

(1)

**Crl. Misc. No.M-5828 of 2018 (O&M)
Date of Decision: May 16, 2018**

Babu Lal Gupta

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

(2)

Crl. Misc. No.M-5922 of 2018 (O&M)

Upendra Govind Rao

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

(3)

Crl. Misc. No.M-5934 of 2018 (O&M)

Ankit Kumar Dixit

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

**Present: Mr. Mohan Jain, Senior Advocate with
Mr. Vikram Jain, Advocate
for the petitioner (s).**

Mr. Ashish Yadav, Addl.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.328 dated 16.09.2017 registered for the offences punishable under Sections 420, 467, 468, 471 120-B of Indian Penal Code and 61 of Punjab Excise Act, 1914, at Police Station Murthal, Sonipat.

Heard.

Learned State counsel submits that on the basis of secret information, a truck bearing registration No.HR47B-7249 was apprehended at Murthal and 980 boxes of whisky 'for sale in Chandigarh only' were recovered from the truck.

The driver of the truck was arrested and during investigation, he demarcated the place, where he was given the consignment of the whisky. That place was the premises of liquor factory M/s Cooperative Company Limited Plot No.142, Industrial Area, Phase-1, Chandigarh in which petitioners are Directors. Truck driver had also disclosed to the police that earlier also, the Directors of the company have been indulging in such type of activities by selling liquor outside Chandigarh in an illegal manner. Police requires custodial interrogation of petitioners to recover documents and record of their company.

M/s Cooperative Company Limited, Chandigarh is stated to have three Directors namely Babu Lal Gupta (petitioner in CRM-M-5828-2018), Upendra Govind Rao (petitioner in CRM-M-5922-2018) and Ankit Kumar Dixit (petitioner in CRM-M-5934-2018). Petitioner Babu Lal has joined the investigation. The arrest of other two petitioners was stayed vide

order 15.02.2018 passed in petitions filed by them.

Learned State counsel submits that petitioner Babu Lal has only once appeared and took time to produce the documents but later on he has not surrendered before the police.

Keeping in view the fact that recovery in this case has already been effected and the police required the custody of these petitioners only for production of certain documents, which can be obtained from office of the company, I am of the opinion that custodial interrogation of the petitioners is not required, as such, all these petitions are allowed. Petitioners Babu Lal Gupta, Upendra Govind Rao and Ankit Kumar Dixit are directed to surrender before the police and join investigation within two weeks. In the event of their arrest being required, they shall be released on bail, subject to their furnishing bonds to the satisfaction of Arresting Officer. However, they shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which they shall lose the benefit of interim bail allowed to them.

It is, however, made clear that in the event of petitioners not joining the investigation within two weeks and as and when required, the application seeking cancellation of their bail may be moved.

May 16, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No