

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

**Crl. Misc. No.M-8098 of 2018 (O&M)
Date of Decision: May 16, 2018**

Sanjay Saini and another

.....PETITIONER(s).

VERSUS

State of Haryana

...RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bipin Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate
for the petitioner (s).

Mr. Ashish Yadav, Addl.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

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.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, two trucks bearing registration No.HR68B-4920 and No.HR-55T-9916 were apprehended at Murthal and 799 and 700 boxes of whisky 'for sale in Chandigarh only' were recorded from the trucks. The drivers of the truck were arrested and during investigation , they demarcated the place, where they were given the consignment of the whisky. That place was the premises of liquor factory M/s Rock and Storm Bottlers Pvt. Ltd., Plot

No.214, Industrial Area, Phase-1, Chandigarh in which both petitioners Sanjay Saini and Sunder are Directors. Truck drivers 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.

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, this petition is allowed. Both the petitioners 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 or 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***