

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-43129-2018 (O&M)
Date of Decision : 10.4.2019

Ankit Jain

...Petitioner

vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Aditya Jain, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 610 dated 2.12.2017 registered under Sections 61 of the Punjab Excise Act, 1914 and Sections 420, 467, 468, 471 IPC at PS Sadar Thanesar, Kurukshetra.

As per the allegations, the police received a secret information that one Sanjeev Kumar and one Ajmer Singh have brought liquor on Eicher Canter bearing registration No. HR45-A-1049 which was now standing in front of Shani Mandir, Umri Chowk, Kurukshetra and would be going Delhi after getting a false invoice of egg trays from one Kuldeep Singh. Believing the information credible a naka was laid and the truck came there and was stopped. Two persons were apprehended at the spot. It is from their disclosure that the police came to know that the alcohol was in fact supplied

by the petitioner.

Learned counsel for the petitioner states that petitioner has no connection with the liquor and apart from the disclosure statement of the co-accused no other evidence has been collected against him despite the fact that FIR was lodged almost one year and four months ago.

On instructions from SI Jay Pal Singh learned AAG is not in a position to deny that the only material against the petitioner is disclosure statement made by the co-accused.

Considering the fact that he was only named in the disclosure statement, I do not deem it appropriate to deny him the concession of anticipatory bail.

Resultantly, the petition is allowed. In the event of arrest he will be released on bail by the Investigating Officer subject to the conditions envisaged under Section 438 (2) Cr.P.C. The petitioner is directed to appear before the Investigating Officer and as and when his presence is required.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

10.4.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No