

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.209

CRM-M-48980-2018

Date of decision : 16.1.2019

Inder Singh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Dr. Deipa Singh, Advocate, for the petitioner.

Mr. D.R. Singla, DAG, Haryana

SUDHIR MITTAL, J. (Oral)

The petitioner seeks anticipatory bail in case FIR No.178 dated 15.9.2018, registered at Police Station Sahjampur, District Ambala, under Sections 420, 467, 468, 471 IPC and Section 61 of the Excise Act, 1914.

Reply by way of affidavit of Sh. Amit Bhatia, HPS, Deputy Superintendent of Police, Naraingarh, District Ambala, has been filed by the learned State counsel and the same is taken on record. A copy thereof has been supplied to counsel for the petitioner.

A perusal of the aforementioned reply reveals that according to the police investigation, the petitioner had got the truck loaded with liquor and then handed it over to the driver and owner thereof for onward transmission of the contraband. It is also mentioned therein that there are 07 other criminal cases against the petitioner.

Learned counsel for the petitioner submits that out of 07 cases mentioned in the reply, the petitioner has been acquitted in 04 cases and in one case, the petitioner is not named as accused. Only 02 other cases are pending against the petitioner, which are also under the Punjab Excise Act, 1961. It is further argued that the allegation that the petitioner is the owner

of the consignment is false and is based upon the disclosure statement of the

co-accused, which is not admissible in evidence. Thus, the petitioner deserves to be granted anticipatory bail.

In view of the finding of the investigating agency that the petitioner is the owner of the contraband, I do not deem it appropriate to grant the petitioner the discretionary relief of anticipatory bail. Whether the disclosure statement of the co-accused is admissible in evidence or not, is not a matter for me to opine upon. The petitioner may have been acquitted in 04 other cases, but it shows that the police is keeping an eye on him and that he is a known criminal.

For the reasons aforementioned, the petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

16.1.2019
Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No