

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27256-2019

Date of Decision: 28.08.2019

Arun @ Anku Thakur

.....Petitioner

Vs.

State of Punjab

.....Respondent

CRM-M-34749-2019

Anu @ Rohit Kumar

....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Gaurav Partap S. Pathania, Advocate,
for the petitioner (s) (in both cases).

Mr. Rajat Bansal, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order dated 16.08.2019, a reply by way of an affidavit of Sh. Deepak Kilonji, Senior Superintendent of Police, Pathankot, has been filed (in CRM-M-27256-2019), in Court today, by learned State counsel, which is ordered to be taken on record.

It is stated therein that the investigating officer, ASI Ram Kishan, not having even bothered to find out as to in whose ownership the truck was, from which the liquor is stated to have been recovered, a departmental inquiry has been initiated against him.

However, subsequently, it has been determined that the truck belongs to one Harvinder Pal Singla.

Learned State counsel, however, reiterates on instructions from Inspector Vishav Nath, that the petitioner, along with his other co-accused, are stated to have been travelling in a 'Verna' car, in order to “protect the truck” in which the liquor is stated to have been carried, and that they were issuing instructions to the truck driver.

The statement of the truck driver, however, is stated to be to the effect that he had carried the liquor on directions of the petitioners and their co-accused, who, however, were not apprehended at the spot.

Upon query, learned State counsel further states on instructions that the other criminal case found to be registered against one of the petitioners, Arun Thakur, is one punishable under Section 379 of the IPC, the allegation being that he had stolen a motorcycle.

Keeping in view the fact that the truck as was stated to have been apprehended carrying liquor in it (without permit), does not belong to either of the petitioners in these two petitions, with them obviously not apprehended at the spot, the petitions are allowed, with the interim orders, dated 16.08.2019 passed in CRM-M-27256 of 2019 and 27.08.2019 (in CRM-M-34749 of 2019), made absolute.

August 28, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes