

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

**CRM-M No.44745 of 2019
Decided on: 29.10.2019**

Umesh Sharma

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Bipan Ghai, Sr. Advocate
with Mr. Supriya Arora, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular` bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.222 dated 25.05.2019, for offence punishable under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code (in short 'IPC') and Section 61(1) of the Punjab Excise Act registered at Police Station Sadar Thanesar, District Kurukshetra.

Learned Senior counsel for the petitioner has submitted that as per the allegations in the FIR, on receiving a secret information that one Sanjay son of Prithvi is coming in a Canter carrying liquor by forging the documents and biltees and can be apprehended, the police, thereafter, stopped the Canter bearing registration No.HR-56-6629 coming from the side of Shahbad and found that Sanjay was driving the vehicle and another person namely Sanjay son of Krishan Kumar was sitting on the conductor side. On further enquiry, the biltees, which

were issued for the supply to Indian Army and some other documents were recovered and on checking the said Canter, 900 boxes of liquor, totaling 10,800 quarter bottles were recovered. It is further submitted that during the investigation, it was found that the registration certificate of the Canter was in the name of one Baljinder Singh and phone number used by co-accused, who were arrested at the spot, was in the name of one Shiv Shankar and both these accused persons have not been arrested so far.

Learned Senior counsel for the petitioner has further submitted that the petitioner was later on arrested on the basis of the disclosure statement of Dinesh Kumar, who stated that the supply was made by the petitioner. It is further submitted that as per the investigation conducted by the police and the report submitted under Section 173 Cr.P.C., the co-accused Naresh Kumar had prepared the aforesaid biltees and the documents and therefore, there is no allegation against the petitioner that he has forged any document.

Learned Senior counsel for the petitioner has further argued that the petitioner is not involved in any other case and the offences are triable by the Court of Magistrate and since the investigation is complete, it will take some time in conclusion of the trial. It is further submitted that co-accused Naresh Kumar is on interim anticipatory bail and as the petitioner is in custody since 31.07.2019, he may be released on regular bail.

Counsel for the State, on instructions from ASI Prem Chand, has however opposed the prayer on the ground that from the aforesaid two co-accused, recovery of large quantity of liquor was

effected and forged documents were recovered from their possession. It is also submitted that the petitioner was the Manager of the factory from where the alleged liquor was loaded on the aforesaid Canter. However, it is not disputed that the petitioner is not involved in any other case.

Without commenting anything on merits of the case, considering the fact that the petitioner is the first offender; there are no direct allegation against the petitioner; he is in custody since 31.07.2019; the investigation is complete; challan stands presented; the petitioner is no more required for further investigation and conclusion of the trial is likely to take some time as the offences are triable by the Court of Magistrate, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

29.10.2019
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No