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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 771/2019**
ABHISHEK SHARMA Petitioner
Through: Mr. Pawan Sharma, Advocate

versus

THE STATE Respondent
Through: Mr. Amit Chaddha, APP

CORAM:
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER
% **30.07.2019**

1. This is an application filed by the petitioner under Section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C.) read with Section 482 of the Cr.P.C. for grant of anticipatory bail.
2. The petitioner was directed to file an affidavit on record about the address along with documents disposing of car, bearing registration No.HR-12V-2003. The petitioner has filed an affidavit on record stating therein that the deponent had sold the alleged vehicle to one Manish in the year 2015 itself, however, no document has been placed on record to show sale of the said car to Manish in the year 2015.
3. Learned counsel for the petitioner submitted that the petitioner is having no document in his custody and possession to show that the aforesaid vehicle was sold to Manish in the year 2015. Learned counsel for the petitioner also submitted that the aforesaid vehicle is still registered in the name of the

petitioner with the Transport Authority at Rohtak, Haryana.

4. The brief facts of the case are that one Santro Car, bearing registration No.HR-12V-2003 was seized in the night of 1.9.2018 and from that car, illicit liquor was seized. On this, FIR No.488/2018, under Sections 33/58 of the Delhi Excise Act, 2009, was registered. The said car was being driven by one Bijender. The said car belonged to the petitioner and the same, as per the petitioner, was sold by him to one Manish, a resident of Rohtak, Haryana.

5. The case of the learned counsel for the petitioner, since inception, even before the Sessions Court, is that his client had sold the car in question to Manish, however, despite being given opportunities, the petitioner has failed to produce any document, proving that the car was sold to Manish. Even, it has been admitted by learned counsel for the petitioner that the alleged car is still registered in the name of the petitioner with the Transport Authority, Rohtak, Haryana.

6. It is a fact that the petitioner has not joined investigation so far, even after being given several opportunities. Learned APP also submitted that the petitioner did not join investigation. As per the status report, when the IO went to the address at H.No.1513/8, Krishna Colony, near Gohana Road, Rohtak, Haryana, he was told by the *Nana-Nani* of the petitioner that the petitioner was not residing at the said address with them and they were not aware of the place where he is residing.

7. At this stage, learned counsel for the petitioner submitted that the petitioner is now ready and willing to join investigation.

8. The petitioner has not produced any document, despite being given opportunities, to prove that the vehicle in question was sold to Manish in the year 2015. The petitioner is also not residing at the given address H.No.1513/8, Krishna Colony, near Gohana Road, Rohtak, Haryana.

9. In this case, 25 boxes of illicit liquor were seized. The contention of the learned counsel for the petitioner that the car was sold by the petitioner does not find support from any document.

10. The custodial interrogation of the petitioner is required in this case to know the *modus operandi* as well as the total number of persons involved and their whereabouts in the commission of the alleged offence.

11. The investigation is stated to be still going on. The petitioner is stated to have not co-operated in the investigation. Hence, taking into consideration the aforesaid facts, the nature and gravity of the accusations, the stage of the investigation and the alleged role of the accused, this Court does not find any merit in the anticipatory bail application of the petitioner. The anticipatory bail application is accordingly dismissed.

12. It is clarified that whatever is discussed or observed hereinabove is only a *prima facie* view of this Court, at this stage, and the same shall not tantamount to any expression or

opinion on the merits of the case.

CHANDER SHEKHAR, J

JULY 30, 2019

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