

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

I. **CRM-M-14680-2020**
Date of decision: October 05, 2020

KrishanPetitioner
Versus
State of HaryanaRespondent

II. **CRM-M-18026-2020**

Narender @ MastuPetitioner
Versus
State of HaryanaRespondent

III. **CRM-M-21979-2020**

Sajjan and anotherPetitioners
Versus
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sanjiv Kadian, Advocate for the petitioner
(in CRM-M-14680-2020).

Mr. Rajinder Singh Malik, Advocate for the petitioner
(in CRM-M-18026-2020).

Mr. Sunil Kumar Bhardwaj, Advocate for the petitioner
(in CRM-M-21979-2020).

Mr. Deepak Grewal, DAG, Haryana.
(through video conferencing)

ARVIND SINGH SANGWAN, J.

Prayer in petition, i.e. CRM-M-14680-2020 filed by
Krishan; CRM-M-18026-2020 filed by Narinder @ Mastu are

for the grant of anticipatory bail and the petition, i.e CRM-M-21979-2020 filed by Sajjan and Gobind is for grant of regular bail in FIR No.29 dated 28.2.2020 under Section 61 of the Punjab Excise Act, Sections 420/467/468/471/483 IPC and Sections 66/192, 39/192, 146/196 of the Motor Vehicles Act, registered at Police Station Sadar, Panipat.

Brief facts of the case are that the FIR was registered by the police on receiving a secret information that the driver of truck No.HR-69-A-6639 is coming from Karnal side carrying illegal liquor and is going towards Bihar or Gujarat. On receipt of information, the Investigating Officer called the Excise Inspector at the spot, along with Excise staff. The police and Excise Department laid a barrier on the national highway and noticed that the aforesaid truck reached at the spot. The Investigating Officer gave a signal to stop the truck and the driver of the truck told his name as Sajjan Singh and the person sitting on the conductor's seat told the name as Gobind. On checking of the truck, Lime Powder, along with bill was found and on further checking the body of the truck by the staff of the Excise Department, huge amount of liquor was found. By arranging labour, illicit liquor was unloaded and it was found to be 640 boxes of Crazy Romeo (NV) quarter plastic packing and 295 boxes of Crazy Romeo (NV) quarter glass packing were recovered. Thereafter, the petitioners, who

are the driver and conductor of the truck, were arrested and during investigation, it was found that they were carrying duplicate bills, fake bilities as well as the fake number plate of the truck and, therefore, while registering the FIR the offence under Sections 420, 467,, 468, 471 IPC and 61,1,14 of the Excise Act was added. Petitioners-Gobind and Sajjan were found in possession of 1235 boxes of illicit liquor.

Counsel for petitioners has argued that the petitioners are in custody since 28.2.2020 in FIR No.29 dated 28.2.2020 under Sections 420/467/468/471 IPC and under Sections 61, 1, 14 of Excise Act, registered at Police Station, Sadar, District Panipat, and challan stands presented and they are no more required for further custodial interrogation. Counsel for the petitioners has further argued that, in fact, the liquor belonged to two accused, namely, Krishan and Narinder @ Mastu and petitioners Sajjan and Gobind in their disclosure statements have stated that they are not the owner of the truck as well as the illicit liquor belonged to aforesaid two co-accused.

In the anticipatory bail petitions, i.e. CRM-M-14680-2020 filed by Krishan and CRM-M-18026-2020 filed by Narinder @ Mastu, they were granted interim anticipatory bail and it was stated by them that they have been nominated on

the disclosure of the accused persons, namely, Sajjan and Govind, who were arrested at the spot.

Vide order dated 7.8.2020, the State counsel was directed to file a detailed affidavit regarding the role of both petitioners, namely, Krishan and Narinder @ Mastu.

As per the affidavits dated 9.7.2020 and 11.8.2020 of the DSP, Panipat, it has come on record that on the date of the incident, petitioner Sajjan was having mobile No.9812468652 and Krishan was having Mobile No.9034086762, and similarly petitioner Narender @ Mastu was having Mobile No. 9991420095.

It is further stated in the affidavit that as per the call details and CDR, petitioners-Krishan and Narinder @ Mastu were actively found in conversation with Sajjan on their mobile numbers on the date of incident. It is further stated that both petitioners, namely, Krishan and Narinder @ Mastu have refused to sign the disclosure statement and have not cooperated with the police in the investigation of the case. It is further stated that both petitioners, namely, Krishan and Narender @ Mastu are required for custodial interrogation, as they are very clever persons. Therefore, in order to expose their nexus with the illicit liquor mafia and illegal transportation of liquor, their custodial interrogation is required as some more persons may be involved in the crime.

Learned State counsel has further argued that mere fact that the investigation is complete; the challan stands presented, is no ground to confirm the anticipatory bail as the police, on arrest of the petitioners, can still investigate the case further after taking permission from the trial Court.

In the affidavit 9.7.2020, the disclosure of petitioners-Sajjan and Gobind are reproduced wherein they have stated that they are working for bringing illicit liquor from Rajpura, Punjab to take it to Bihar and petitioners, namely, Krishan and Narender @ Mastu have provided them a Tata Truck having registration No.HR-69A-6648 in which they were carrying 1235 boxes of illicit liquor. Learned State counsel also submits that it is matter of record that the aforesaid liquor has already been recovered, therefore, disclosure of Sajjan and Gobind, at this stage, cannot be disbelieved, qua the petitioners.

Learned State counsel has further submitted that petitioner-Krishan is also involved in the following 05 FIRs :-

1. FIR No.333 dated 17.7.2018, under Sections 148, 149, 285, 323, 505 IPC and Sections 25, 54, 59 of the Arms Act, registered at Police Station Kharkhoda, District Sonipat;

2. FIR No.212 dated 19.4.2015 under Sections 323, 506 IPC, registered at Police Station City, Sonipat;
3. FIR No.147 dated 30.3.2017 under Sections 183, 402, 465, 467, 471 IPC and Sections 61, 1, 14 of the Excise Act, registered at Police Station Kharkhoda, District Sonipat;
4. FIR No.57 dated 5.5.2019 under Sections 148, 149, 307, 452, 120-B IPC and Sections 25, 54, 59 of the Arms Act, registered at Police Station Kharkhoda, District Sonipat; and
5. FIR No.344 dated 6.10.2016 under Section 420 IPC and Sections 61, 1, 14 of the Excise Act, registered at Police Station Civil Line, Sonipat.

Learned State counsel has further submitted that petitioner-Narinder @ Mastu is involved in 02 more FIRs of similar nature.

After hearing counsel for the parties and going through the contents of the FIR; the disclosure statements; the heavy recovery of 1245 boxes of illicit liquor, coupled with the fact that petitioners, namely, Krishan and Narender @ Mastu, in conspiracy have prepared fake documents, like bilty, bills and the registration certificate of the truck and they are involved in a number of cases/FIRs, I find no ground to grant

the anticipatory bail to the petitioners, as their custodial interrogation is required by the police to crack through the nexus with liquor mafia.

Accordingly, the anticipatory bail petitions filed by Krishan (petitioner in CRM-M-14680-2020) and Narender @ Mastu (petitioner in CRM-M-18026-2020) are dismissed.

However considering the fact that petitioners-Sajjan and Govind are in custody since 28.2.2020 and the challan stands presented and conclusion of the trial will take time, petition i.e. CRM-M-21979-2020 is allowed and both the petitioners therein are directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

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

October 05, 2020
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**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO