

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-15159 of 2020
Date of Decision: 15.6.2020

Jasbir Singh Sehrawat

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rao Ajender Singh Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 Pandemic.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.197, dated 5.5.2020, having been registered against him at Police Station Kharkhoda, District Sonipat, for the alleged commission of offences punishable under Sections 120-B, 188, 380, 409 and 457 of the IPC, and Sections 1, 14 and 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill 2020), and Section 7 of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that, firstly, the petitioner was only the SHO of the Police Station from which the liquor is stated to have gone missing and he has been only named as an accused on a disclosure statement made by a co-accused and consequently, he himself is

not guilty of any offence.

He further submits that two co-accused of the petitioners, i.e. Bhupender and Satish, have both been admitted to 'regular bail' under the provisions of Section 439 of the Cr.P.C.

Per contra, Mr.Pradeep Parkash Chahar, learned DAG, Haryana, submits that the petitioner being the SHO of the police station concerned, from which 5696 boxes of liquor went missing, he does not deserve the concession of anticipatory bail at all, with the co-accused having specifically named him as the person who directed the liquor to be taken out of the police station, and further, even a transcript of the conversation between Special Police Officer Sant Ram and ASI Jai Pal are available with the investigating agency, as are the call detail records of the calls between the petitioner and the aforesaid Bhupender, by which his complicity would be obvious.

Having considered the matter, I see absolutely no ground to admit the petitioner to anticipatory bail at least, even though learned counsel for the petitioner has now submitted that there is nothing to be recovered from the petitioner.

It is to be observed that anticipatory bail is not granted only if there is a question of a recovery to be effected, though of course that could be an important factor, but also looking at the nature of the crime and the role of the accused in the alleged commission thereof.

Consequently, with the petitioner being a police official just one rank short of a gazetted officer (he being an Inspector), and incharge of the police station, i.e. the Station House Officer, once the investigating

agency itself, i.e. the police, has made allegations against him of the nature submitted by learned State counsel, I see no ground to entertain this petition, which is consequently dismissed.

Naturally, nothing stated herein above shall be taken as an observation on the actual merits of the case, which would be a matter of further investigation (if any) by the investigating agency, and evidence led before the trial court when the matter goes to trial.

However, in the event of the petitioner being arrested and applying for bail under the provisions of Section 439 of the Cr.P.C., such petition would be considered wholly on its own merits.

15.6.2020	(AMOL RATTAN SINGH)
pk/dinesh	JUDGE
Whether speaking/reasoned	Yes/No
Whether Reportable	No/Yes