

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

I. CRM-M-16594-2020
Date of decision: October 05, 2020

Krishan		Petitioner
	Versus	
State of Haryana		Respondent

II. CRM-M-14450-2020

Narender @ Mastu		Petitioner
	Versus	
State of Haryana		Respondent

III. CRM-M-28916-2020

Amit Narwal		Petitioner
	Versus	
State of Haryana		Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sanjiv Kadian, Advocate for the petitioner
(in CRM-M-16594-2020)

Mr. Rajinder Singh Malik, Advocate for the petitioner
(in CRM-M-14450-2020)

Mr. Tejindder Pal Singh, Advocate for the petitioner
(in CRM-M-28916-2020)

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

ARVIND SINGH SANGWAN, J.

Payer in petition, i.e. CRM-M-16594-2020 filed by
petitoiner-Krishan, CRM-M-14450-2020 filed by Narender @
Mastu are for grant of anticipatory bail and CRM-M-28916-
2020 filed by Amit Narwal is for grant of regular bail in case

FIR No. 1198 dated 16.12.2019, under Sections 420, 468, 471 IPC and Section 1 of the Punjab Excise Act, Section 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), registered at Police Station Chandni Bagh, Panipat.

The case of the prosecution is that on receiving a secret information that Krishan and Anil are indulged in the sale of liquor and by loading the canters bearing No.HR-69-D-1476 and HR-69-8484, they were bringing illicit liquor from Karnal side and were going towards Delhi, the Excise Inspector-Naresh Kumar was called and a raiding party was prepared. The police laid a Naka and stopped the two canters. The driver of the first canter disclosed his name as Anil son of Rajender and had shown a bilty of 400 cartons of Kusal Cattle Feed and other 300 cartons also of Kusal Cattle Feed. On suspicion, the vehicle was checked and 512 boxes of plastic quarters make Crazy Romeo and 70 cartons Crazy Romeo were recovered. The name of the second canter driver was Krishan son of Ramphal and from this canter, 505 cartons of quarters plastic Crazy Romeo, were recovered. As both the drivers could not produce any license or permit, therefore, a case under Section 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) and Sections 420, 467, 468, 471 IPC, was registered. During investigation, Section 181(3), 192(1), 192-A and 146 of the Motor Vehicles Act,

1988 were added. Ravinder, the owner of the truck bearing registration No.HR-10AC-0762, was joined and he informed that he had sold it to Sandeep and, thereafter, Sandeep was arrested on 29.7.2020. Ravinder, the owner of the the second canter bearing registration No.HR-69D-8484, disclosed that he had sold the same to petitioner-Amit. Thereafter, petitioner-Amit was arrested on 16.7.2020.

Counsel for petitioner-Amit argued that the investigation is complete; challan stands presented and the petitioner is not involved in any other case.

Petitioners-Krishan and Amit were nominated on the disclosure statement of the co-accused Anil and Krishan son of Ramphal, i.e. the drivers of the canters.

The learned State counsel was directed to file an affidavit of the Deputy Superintendent of Police, Panipat regarding role of the petitioners. It is mentioned in affidavit dated 28.8.2020 that petitioners-Krishan and Narender @ Mastu, alongwith co -accused were actively connected with each other and were involved in the commission of crime. Recoveries were also effected from accused Anil and Krishan son of Ramphal, i.e. the two drivers. The affidavit further shows that a questionnaire was put to petitioners-Krishan and Narender @ Mastu, in which they admitted their mobile numbers and relation with the two drivers, who are employed

by them. It is further stated that petitioner-Narender @ Mastu admitted in reply to question No.18 that he was present at Sonipat on 15.12.2019 and the call details also show that he was actively in touch with the two drivers arrested at the spot. Similarly, petitioner-Krishan was also found to be in touch with Anil and co-accused Krishan on 15.12.2020, as per the call details of all the mobile numbers.

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.

After hearing counsel for the parties and going through the contents of the FIR; the disclosure statements; the heavy recovery of quarter bottle Crazy Romeo and they are involved in a number of cases in the previous FIRs, I find no ground to grant the anticipatory bail to petitioners, namely, Krishan and Narender @ Mastu, as their custodial interrogation is required by the police.

Accordingly, the anticipatory bail petitions filed by Krishan (petitioner in CRM-M-16594-2020) and Narinder @ Mastu (petitioner in CRM-M-14450-2020) are dismissed.

However considering the fact that petitioner-Amit is in custody since 16.7.2020; the challan stands presented and conclusion of the trial will take some time, petition i.e. CRM-M-28916-2020 is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

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.

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

Whether speaking : YES/ NO

Whether reportable : YES / NO