

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19385-2020

Date of Decision:-06.08.2020.

Dharambir Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

SANJAY KUMAR, J. (Oral)

The petitioner seeks pre-arrest bail in relation to FIR No.671 dated 13.10.2019 on the file of Police Station Samalkha, District Panipat, registered under Section 61 of the Excise Act, 1914, and Sections 420, 467, 468, 471 and 120-B IPC.

According to the prosecution, secret information was received that the truck bearing No.HR-55-J-2389, containing an illegal consignment of liquor, was coming from Panipat side. The truck was thereupon apprehended along with its driver, Navdeep. The documents produced by him were to the effect that cattle feed was being transported, but it was found that 1180 boxes of Crazy Romeo Wine were concealed in the truck. The driver, Navdeep, in his disclosure statement recorded on 14.10.2019, implicated the petitioner and others. According to him, the petitioner called him on his phone and directed him to bring the consignment to Rajpura.

The reply filed by the DSP, Samalkha, District, Panipat, discloses that the house of the petitioner was raided on 05.12.2019 but he was not found. Further investigation revealed that the seized liquor had not been manufactured by NV Distilleries and Breweries Private Limited, though the labels affixed on the bottles stated so. Raids upon the house of the petitioner on 28.03.2020, 14.04.2020 and 10.05.2020 also did not yield any result, as he was unavailable. Notice under Section 41(1) Cr.P.C. was served upon the nephew of the petitioner, calling upon the petitioner to join investigation on 15.06.2020. However, he failed to do so. The seized truck belonged to one Vijay, resident of Village Sisana, District Sonapat, and he also implicated the petitioner, saying that the vehicle was given to him for transportation of liquor on payment of a lumpsum amount.

Significantly, FIR No.334 of 2018, FIR No.330 of 2018 and FIR No.611 of 2015 were earlier registered against the petitioner for various offences, including offences under the Excise Act. That apart, FIR No.257 of 2016 and FIR No.531 of 2016 were registered against him for offences under the Indian Penal Code.

Mr. Sandeep Kotla, learned counsel for the petitioner, would contend that the petitioner is entitled to grant of pre-arrest bail as Vijay, the co-accused, was granted such relief by the Sessions Court. However, as rightly pointed out by Mr. Deepak Bhardwaj, learned Deputy Advocate General, Haryana, the level of culpability of these two persons, *prima facie*, is not comparable, as the actual transportation of the liquor is attributed to the petitioner. That apart, when the petitioner failed to respond to the notice issued under Section 41 (1) Cr.P.C. and join the investigation, it is not open to him to seek any indulgence from this Court.

Given the past antecedents of the petitioner and the seriousness of the offence, involving marketing of illegal liquor, this Court finds no grounds made out to grant pre-arrest bail to the petitioner.

The petition is accordingly dismissed.

(SANJAY KUMAR)
JUDGE

August 06, 2020.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether reportable:-

Yes / No.