

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

CRM-M-21831 of 2020

DATE OF DECISION : 17.08.2020

Jasbir Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Jitender Dhanda, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking anticipatory bail in case FIR No. 91 dated 14.06.2020, registered under Sections 120-B, 279, 336 IPC and Section 61 of Punjab Excise Act, 1914(Haryana Amendment Bill, 2020), Police Station Bond Kalan, District Charkhi Dadri.

2. Per FIR, on 06.02.2020, a secret information was received by the police party, about transportation of huge quantity of liquor in Canter No. HR67B-9388 from Panipat to Dadri. One Sachin @ Raut and Amit were escorting the same in their swift car No. HR19G-7244. Barricades were erected en-route. On noticing the approaching of above said swift car, the police party signaled it to stop. But the driver of the car, after trying to run over the car on the police party, managed to escape from the spot. However, Canter driven by Amit @ Titu was stopped and one Satpal too was found sitting on its conductor seat. On checking of Canter, 467 cartons of country made liquor, containing 12 bottles each were recovered. During interrogation, Amit @ Titu and Satpal

disclosed that they are working for the petitioner herein, and are paid Rs.2000/- for each round.

3. Learned counsel for the petitioner submits that neither the petitioner has been named in the FIR nor is there any legal evidence against him. Except custodial disclosure statement, which has no sanctity in the eyes of law. He further submits that the petitioner is not the owner of the canter in question since he had already sold the same to one Sanjay Kumar on 06.02.2020. He refers to an affidavit sworn by Sanjay Kumar, in this regard. Learned counsel further submits that recovery has already been effected, so custodial interrogation of the petitioner is not required and he is ready to join the investigation.

4. On the other hand, learned State counsel opposes the bail plea. He submits that during investigation, it has been found that the petitioner is the kingpin of illegal trade of liquor. Referring to the affidavit/ status report filed by DSP, Charkhi Dadri, he submits that during investigation, it was found that the holograms and labels of Piccadily Sugar and Allied Industries Limited used on the recovered liquor were forged and fabricated. In the premise, not only illicit liquor a risk to health and lives of public at large, but revenue loss to the Government is also caused. Accordingly, Sections 420, 467, 468 and 471 IPC and Sections 63 and 65 of Copyright Act have been invoked. According to him, though the registration number of canter is in some other name, yet during investigation it has been found that petitioner is the de facto owner of the canter as he had purchased it from the registered owner. He further points out that the petitioner is an habitual offender and as many as eight cases, including the present case, have been registered against him and his custodial interrogation is very much required to unearth the true facts.

5. Considering the totality of circumstances, the role of the petitioner, which has surfaced during preliminary investigation, coupled with his antecedents, this Court is of the opinion that custodial interrogation of the petitioner is very much essential to take the investigation to its logical conclusion, so as to bust the entire illicit liquor racket. The alleged *modus operandi* adopted by the accused needs to be unearthed.

6. In the circumstances, the petition is dismissed.

(ARUN MONGA)
JUDGE

August 17th 2020
Jiten

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No