

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-32500-2020 (O&M)

Date of Decision:- 2.12.2020

Vikram Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rakesh Nehra, Advocate, for the petitioner.

Mr. Karan Sharma, AAG, Haryana,
assisted by ASI Vinay.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.469, dated 15.10.2019, Police Station Sampla, District Rohtak, under Sections 415, 420 IPC and Section 61 of Punjab Excise Act 1914.
2. The allegations, in nutshell, are that a truck bearing registration No.HR-63-C-8298 was found loaded with 600 cases of liquor which was found parked on Hassangarh-Sanchan Road, whereas there was

no other person nearby the said truck. The 600 cartoons of liquor found in the truck contained 6816 bottles and 1536 quarters and that there was no document found in the truck as regards the said liquor which was not even bearing any hologram mark of Haryana Excise.

3. The learned counsel for the petitioner has submitted that even as per the case of prosecution no person was ever apprehended from the place where the truck in question was taken into possession by the police and that the petitioner is subsequently sought to be nominated as an accused on the ground that the original owner had rented out the truck in question to the petitioner although, there is no credible evidence to establish the same and in fact the original owner in order to save his skin might have executed some document in this regard.
4. The learned counsel has further submitted that in fact the petitioner was also sought to be nominated in an identical fashion in FIR No.861, dated 14.12.2018, Police Station Sampla, District Rohtak, under Sections 420, 467 and 471 IPC and Section 61 of the Punjab Excise Act, wherein this Court granted anticipatory bail vide order dated 23.9.2020 passed in CRM-M-5574 of 2020.
5. The learned counsel has further drawn the attention of this Court to para No.2 of the reply filed by the State which reads as follows:

“2. That the petitioner Vikram is also involved in case FIR No.861, dated 14.12.2018, under Sections 420, 467 and 471 IPC & Section 61/1/14 of the Punjab Excise Act, P.S. Sampla and the same vehicle i.e. canter bearing registration No.HR-63-C-8298 is also involved in that case.”

6. The learned counsel while referring to the aforesaid reply has submitted that in fact the aforesaid truck in question is lying in the police station, in police custody having been taken into possession in the earlier case and it remains unexplained as to how the same could be involved in the present case as well, as has been stated in para No.2 of the aforesaid reply.
7. Opposing the petition, the learned State counsel has submitted that since a huge quantity of liquor was found in the present case and the owner of truck i.e. Deepak s/o Ajit Singh, during the course of investigation had produced an agreement indicating that he had given the said truck on rent to the petitioner, the complicity of the petitioner is clearly evident and as such no case for grant of anticipatory bail is made out.
8. I have considered rival submissions addressed before this Court.
9. It is not disputed that the petitioner was nowhere arrested from near the truck in question and the only evidence against him is in the nature of an agreement stated to have been furnished by the registered owner of the truck in question to the effect that he had rented out the truck to the petitioner. The authenticity of such agreement is yet to be established. Further, the reply filed by State, specifically para No.2, rather leaves much to be explained inasmuch as it remains unexplained as to how the same truck which would be lying in the police station in connection to the FIR No.861, dated 14.12.2018, Police Station Sampla, District Rohtak, under Sections

420, 467 and 471 IPC and Section 61 of the Punjab Excise Act came to be involved in the present case as well.

10. In view of the aforesaid discussion, the petition merits acceptance and is hereby accepted and it is ordered that, in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

December 2, 2020

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No