

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

**CRM-M-39874-2020
Date of decision: 04.12.2020**

Sandeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vikas Gulia, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 1198 dated 16.12.2019, registered under Sections 420, 467, 468, 471 of the IPC: Section 1 of the Punjab Excise Act, 1914 and Section 61 of Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) (Sections 3/181, 39/192, 66/192-A and 146/196 of M. V. Act added later on) at Police Station Chandibagh, District Panipat.

Learned counsel for the petitioner submits that petitioner is in judicial custody since 29.07.2020 and the investigation is complete.

Learned counsel for the petitioner relies upon order dated 05.10.2020 passed in CRM-M-28916-2020, vide which co-accused Amit Narwal has already been granted concession of regular bail by this Court. The operative part of the order reads as under:

“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-D1476 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, petitionerAmit 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. CRMM-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/Illaq Magistrate, concerned.”

Learned counsel further submits that allegations against the petitioner are that he, along with co-accused Narender @ Mastu, was in a car for the purpose of doing *recce* and was escorting the truck which was

carrying the liquor.

Learned counsel for the petitioner further submits that petitioner is not involved in any other and conclusion of trial is likely to take some time.

Learned State counsel has not disputed the factual position but opposed the bail.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody since 29.07.2020; he is not involved in any other case and one of the co-accused has already been granted concession of regular bail by this Court as noticed above, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

04.12.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No