

CRM-M-41752 of 2020

**109IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-41752 of 2020
Date of decision: 11.12.2020

Pawan Kumar

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vikram Singh, Advocate, for the petitioner.
Mr. Vikrant Pamboo, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks the grant of anticipatory bail in FIR No.327 dated 18.11.2020 registered under Sections 420, 467, 120-B IPC and Section 61 of the Excise Act, 1914 at Police Station Farrukh Nagar, Gurugram, District Gurugram.

Briefly stated, the case of the prosecution is that on 18.11.2020 on receipt of secret information, a Zen Estilo car which was coming from the side of Farrukh Nagar was stopped and its checking resulted in the recovery of 168 bottles of Royal Stag, 144 bottles of Old Monk XXX Rum and 12 bottles of Blender Pride. Since Rajesh, who was the occupant of the car, could not produce any licence or permit for possession of such huge quantity of liquor, he was arrested and the aforesaid FIR was registered. Interrogation of Rajesh revealed that the petitioner, a liquor contractor, was the real owner of the recovered liquor

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and on that basis the petitioner was nominated as an accused.

Learned counsel for the petitioner contends that the petitioner is an agriculturist and not a liquor contractor; there is no other criminal case in which the petitioner is involved; the only evidence against the petitioner is the disclosure statement of a co-accused which has no evidentiary value and that he is ready and willing to join the investigation as and when called for by the investigating agency.

Learned State counsel, who appears on advance notice, opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner has been specifically named by his co-accused to be the owner of the recovered liquor and on verification made from the respective manufacturers the recovered liquor has been found to be spurious.

Huge quantity of recovered liquor, allegedly owned by the petitioner, on being verified, has been found to be spurious; the crime allegedly committed by the petitioner does not only violate the provisions of law but is also dangerous to human life; the petitioner's alleged suppliers and buyers need to be deciphered; the *modus operandi* being adopted by the petitioner needs to be investigated and it further needs to be found out if other persons are involved in the crime allegedly committed by the petitioner.

In view of the above reasons which are inclusive and not exhaustive custodial interrogation of the petitioner is considered necessary.

Dismissed.

It is clarified that the above observations have been made by

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this Court to decide the present petition seeking anticipatory bail in which investigation is still going on and therefore these observations be not construed as opinion on the merits of the case as trial of the petitioner is yet to take place.

December 11, 2020
R.S.

(Deepak Sibal)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No