

CRM-M-35936 of 2019

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

CRM-M-35936 of 2019
Date of Decision: 19.02.2020

Dinesh Singh and another

...Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Suvir Sidhu, Advocate, for the petitioners.
Mr. Pawan Sharda, Sr. DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to petitioners, namely, Dinesh Singh and Pooja Goel in case FIR No.0070 dated 07.06.2019 registered under Sections 409, 420, 467, 468, 471, 120-B IPC at Police Station Chamkaur Sahib, District Rupnagar.

According to prosecution, Inspector Mohan Lal of CIA Staff-II, Rupnagar on 07.06.2019 received secret information that certain people, namely, Ranjit Singh, his partners Sukhwinder Singh, Manoj, Deepak, Gurvinder Gill @ Soni, Amarjit Singh @ Badal and petitioners were indulged in illegal trade of cars in connivance with officials of registration authorities Amloh, Sangrur, Tarn Taran and Moga etc. Their *modus operandi* was to purchase second hand cars from Maharashtra and sell the same in Punjab, tampering their chassis and engine numbers on fake

CRM-M-35936 of 2019

documents and registration numbers. On 15.06.2019 Rashwinder Singh one of the co-accused was arrested by the police, who in his disclosure statement disclosed complicity of petitioners.

Arguments raised by learned counsel for the petitioners are mentioned in detail in order dated 18.11.2019 by a Co-ordinate Bench. That apart, drawing attention of this Court towards pages No.97 and 220, learned counsel argued that according to documents, purchaser was to get the vehicle registered in his name. Thus, petitioners are not required for custodial interrogation.

Learned State counsel, refuting above submissions, contends that petitioners are necessarily required for custodial interrogation, because it is a big scam of sale of around 2500 vehicles in the State of Punjab. Officials of different registering authorities are involved. Investigation is going on. Petitioners are required for custodial interrogation to identify those erring officials and their co-accused. Grant of anticipatory bail to petitioners would hamper the investigation.

Having given thoughtful consideration to rival submissions, this Court finds that petitioner No.1 is required for custodial interrogation for effective investigation. Petitioner No.2 has been involved being wife of petitioner No.1 and proprietor of 'D'BEST CARS PRIVATE LIMITED. However, fact cannot be lost sight of that sometimes business are being run by husbands joining their wives as dummy partners in their business. There may not be any role of petitioner No.2 inasmuch as as on date there is nothing with the police to show complicity of petitioner No.2.

Considering overall facts and circumstances, petition qua

CRM-M-35936 of 2019

petitioner No.1 is rejected. Order dated 18.11.2019, granting interim anticipatory bail, qua petitioner No.2 is made absolute.

Disposed of accordingly.

February 19, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

CRM-M-35936 of 2019

209

Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to petitioner in case FIR No.

According to prosecution, on the basis of secret information that petitioners were indulged in illicit trade of liquor by affixing fake number plates on their cars used for carrying liquor, Mahindra Pick-up vehicle bearing registration No._____ carrying heavy quantity of 90 boxes of liquor was intercepted. However, its occupant and driver succeeded in fleeing away.

Learned counsel *inter alia* contends that petitioners have falsely been implicated. They were not arrested on the spot. Alleged recovery of illicit liquor has been effected. No recovery has to be effected from the petitioners. Thus, they are not required for custodial interrogation.

Refuting above submissions, learned State counsel submits that petitioner No.2 was earlier booked in another case under the Excise Act trading heavy quantity of illicit liquor i.e. 140 boxes, containing 12 bottles each. Petitioners are habitual offenders.

Considering overall facts and circumstances, but without commenting on the merits of the case, since petitioner No.1 is the first offender and was not arrested on the spot, he is directed to join investigation

However, petitioner No.2 being found involved in another case of illicit trade of liquor, petition qua him is dismissed.

CRM-M-35936 of 2019

February 19, 2020
R.S.

(RAMENDRA JAIN)
JUDGE