

CRM-M-41946-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(207)

CRM-M-41946-2019

Date of Decision: 12th February, 2020

Harpreet Singh @ Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr.J.S. Thakur, Advocate,
for the petitioner.

Mr. Balbir Singh Sewak,A.A.G. Punjab.

VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in FIR No. 163, dated 20.10.2018, under Section 61/1/14 of Excise Act, which has been registered at Police Station Bhargo Camp, Jalandhar, on the allegations that on 20.10.2018, in pursuance of the secret information that illicit liquor was being carried in truck bearing No. PB07-H-8051 and the same is parked in front of Kot Mohalla, Jalandhar. The accused was unloading the truck and taking the boxes of liquor on their Activa scooter bearing Registration No.PB-08-DW-7738 and on one another Activa scooter without any registration number. The contraband was being kept in a house situated in Cantt. Mohalla, Jalandhar. Relying upon the said information, a raid was conducted. Four persons slipped away from the spot after leaving the boxes of liquor and the person riding an Activa scooter also slipped away after

leaving the vehicle at the spot. 400 boxes of liquor i.e. 4800 bottles of liquor were recovered from the house and 130 boxes of liquor i.e. 1560 bottles of liquor were recovered from the truck.

It has been stated by the learned counsel for the petitioner that in pursuance of the interim directions, petitioner has joined the investigation. On the contrary, it has been stated by the learned State counsel that though the petitioner has joined the investigation but has not cooperated with the same. Furthermore, he was having effective control over the truck as the same was taken on lease from Karnail Singh vide agreement dated 14.07.2018, which was executed much prior to the occurrence. The said agreement has also been attested by the Notary and furthermore, the co-accused had suffered and made a disclosure statement to the effect that he had paid a sum of Rs.50,000/- to the petitioner to carry the liquor.

Learned counsel for the petitioner states that the other accused have been granted bail. It has been pointed out by the learned State counsel that the four accused have been granted regular bail, however, one of the co-accused, namely, Vinay has been granted pre-arrest bail by the Co-ordinate Bench of this Court but the case of the petitioner is not at par with Vinay @ Honey @ Dolla as the said accused was neither named in the FIR nor godown, truck, house or the Aactiva scooter was owned by him. .

In the instant case, the matter requires thorough probe and investigation as the petitioner was the leased holder of the truck, which has been used to carry huge quantity of liquor without any licence or permit and the custodial interrogation of the petitioner appears to be essential for proper investigation of the case.

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For the aforesaid reasons, no such circumstances are made out to grant the concession of pre-arrest bail to the petitioner and therefore, the present petition stands dismissed.

12th February, 2020

Nisha

(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No