

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

CRM-M-17989 of 2021

DECIDED ON: 30th APRIL, 2021

Vikas

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No. 100 dated 14.2.2021, under Sections 420 IPC and 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill-2020), registered at Police Station Hisar Sadar, District Hisar, Haryana.

On a secret information, a Canter Eicher bearing No.HR-61-C-4739 was checked on 14.2.2021 at Sirsa Road Hisar. Boxes of various brands of liquor totalling 212 were found being transported without any document or permit. The vehicle was being driven by Sant Lal. During investigation, Sant Lal made disclosure statement naming owner of the vehicle i.e. Vishnu resident of Talwandi. He stated that Vishnu and his brother Vikas (petitioner) are indulging in smuggling of liquor. They used to give him Rupees 10,000/- extra for smuggling the liquor in the vehicle. On arrest, Vishnu in his

Learned counsel for the petitioner submits that the petitioner was not present at the spot. His name came only in disclosure statement and there is no evidentiary value of such statement. He further relies upon the fact that Vishnu was given default bail.

Learned State counsel opposed the prayer for bail and submits that quantity of liquor recovered was heavy.

The petitioner was not present at the spot. The vehicle is owned by Vishnu and not by the petitioner. It is result of disclosure statement of Sant Lal and Vishnu that name of the petitioner surfaced. There are allegations that Vishu and petitioner used to pay Sant Lal Rupees 10,000/- for smuggling the liquor. No recovery is to be made from the petitioner.

The petitioner is granted pre-arrest bail subject to his joining the investigation within two weeks. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the investigating officer. He is directed to join investigation as and when called for. He shall be bound by the conditions as envisaged under Section 438(2) Cr.P.C.

The petition is allowed.

In case of failure of the petitioner to join the investigation, the State would be at liberty to file an application for recalling of this order.

30th APRIL, 2021

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes/No</i>