

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

RISHI SHIV HAREPetitioner
Vs
STATE OF PUNJAB ...Respondent

Mr. Rajinder Singh, Advocate and
Mr. L.S. Sidhu, Advocate
for the co-accused in CRM-M No.33191 of 2020.
(fixed for 06.09.2021)

The case has been taken up for hearing through video conferencing.

Learned counsel for the petitioner submitted that the case was registered against Jagmeet Singh Bhatia, who alleged

that fake permits were given by the petitioner and his father. The case set up by the prosecution is that forged permits have been produced by Jagmeet Singh Bhatia which have been sent through email by the petitioner. Bare reading of the instructions forming subject matter of proforma permit would show the following:-

“Instructions:

- 1. The original of the permit shall be addressed to the Excise Authorities of the concerned state in India who has approved the release of liquors.*
- 2. Relevant copies shall be addressed to the concerned Excise Authorities in India through which state the consignment will pass during importation.*
- 3. One copy of the permit shall be addressed to the concerned supplier/distillery/brewery or warehouse in India.*
- 4. One copy shall be addressed to the Importer in Bhutan who shall declare the goods basis on the details indicated under the permit.”*

Jagmeet Singh Bhatia is sole proprietor of M/s Lloyd Bottling and Blending. The extension letter was sent on email by M/s Druk Enterprises on 01.09.2020.

Learned counsel for the petitioner by referring to the aforesaid instructions submitted that the permit in original was to

be sent to the Department. The permits were to be sent directly by the Regional Revenue and Custom Office, Gelephu, Bhutan to the Distillery as well as to the Excise Department in India without involvement of the petitioner at any point of time. Except the said email, there is no incriminating material against the petitioner to connect him with the alleged crime of forging permits. The original permits have already been handed over to the Excise Department by Jagmeet Singh Bhatia.

The controversy with regard to handing over of permits by the petitioner to Jagmeet Singh Bhatia or Jagmeet Singh Bhatia got it from other source would remain debatable. Import licence is in favour of M/s Druk Enterprise. In any case, if the import had to be made then the same is by M/s Druk Enterprise and has to be supplied by the Company of Jagmeet Singh Bhatia.

It is the contention of learned counsel for the petitioner that beneficiary is either M/s Druk Enterprises or Jagmeet Singh Bhatia and petitioner has nothing to do with the said transaction. Learned counsel further submitted that the purpose of permit/import licence could have been for evasion of excise duty and in any case the benefit has to go to Jagmeet Singh Bhatia only.

Complicity of the petitioner would be determined on the

basis of quality of evidence to be led by the parties during trial.

Since the offences are triable by the Magistrate and the petitioner is in custody since 16.04.2021, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 27, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No