

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

201(2)

**CRM-M-16063-2020
Decided on : 13.01.2021**

Jitender

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Bipan Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate, for the petitioner(s).

Mr. Rajiv Goel, DAG, Haryana
assisted by SI Naresh.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner, in case FIR No. 198, dated 06.05.2020, registered under Sections 188, 420, 468, 471, 120-B of IPC and Section 1/14/61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), registered at Police Station Kharkhoda, District Sonipat.

Learned Sr. counsel for the petitioner contends that the petitioner has been falsely implicated in the case in hand on the basis of totally fabricated allegations. It has been contended that the godown owned by the mother of the petitioner had been forcibly occupied by the police and the Excise Department to keep the case property (liquor) seized by them in various cases and they had deployed their own guards for surveillance and security at the said godown. Hence, it could not be believed that in the presence of the security guards any person including the petitioner would have been able to enter the godown, stock illicit liquor there and thereafter, transport the same in truck bearing registration No.HR-46C-6487, for the purposes of smuggling. It has been

case in hand on account of a grudge, which the police officials were nursing against the petitioner's brother, who had complained against them for committing theft of liquor from their godown.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has submitted that the petitioner is a part of a large liquor mafia and is involved in a number of cases of similar nature, for which his custodial interrogation would be required to bust the syndicate of which the petitioner is an active member.

Heard.

Prima facie, the allegations levelled against the petitioner are grave and serious in nature, as the petitioner along with the co-accused actively indulged in their nefarious activities despite the fact that the country was in the grip of a severe crisis on account of the outbreak of COVID-19 pandemic and a huge recovery of liquor (135 boxes of nips make Fighter, 593 boxes of nips make High Time, 256 boxes of liquor make King Gold and in all, 983 boxes), was effected from a truck bearing registration No. HR-46C-6487, which was not meant for sale in Haryana, as during the lockdown period on account of outbreak of pandemic COVID-19, sale of liquor in Haryana was banned.

In the circumstances, keeping in view the nature and gravity of allegations levelled against the petitioner, no ground is made out to extend the extraordinary concession of anticipatory bail to the petitioner.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

January 13, 2021

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No