

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

201

CRM-M-16170-2020 (O&M)

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. 197, dated 05.05.2020, registered under Sections 188, 380, 457, 409, 420, 467, 468, 471, 12-B, 201 of IPC and Section 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), Section 7, 7-A of the Prevention of Corruption Act, 1988 and Section 25 of the Arms Act, 1959, 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 account of a grudge which the police was nursing against the petitioner's brother, who had complained against them for committing theft of liquor from a godown owned by their mother. It has further been contended that in fact, the aforementioned godown had been in the possession of the police and the Excise Department, wherein, they use to keep the case property of several cases, recovered by them. Hence, in the circumstances, it has been

vehemently urged that in case 5696 boxes, out of the total of 15438 boxes of liquor stored in the godown, were found missing, the petitioner could not be held liable for the same. It has been further submitted that the name of the petitioner was arraigned as an accused on the basis of disclosure statement allegedly made by his brother Bhupinder in case FIR No. 204, dated 08.05.2020 and subsequent thereto, the petitioner was also falsely arraigned as an accused in the following cases:-

- i. FIR No. 199, dated 06.05.2020, under Sections 188, 420, 120-B IPC and under Section 61/1/14 of Excise Act, Police Station Kharkhoda, District Sonipat.
- ii. FIR No. 198, dated 18.03.2020, under Sections 420, 120-B IPC and under Section 61/1/14 of Excise Act, Police Station Kharkhoda, District Sonipat.
- iii. FIR No. 114, dated 20.03.2020, under Sections 420, 120-B IPC and under Section 61/1/14 of Excise Act, Police Station Kharkhoda, District Sonipat.
- iv. FIR No. 116, dated 20.03.2020, under Sections 420, 120-B IPC and under Section 61/1/14 of Excise Act, Police Station Kharkhoda, District Sonipat.
- v. FIR No. 183, dated 27.04.2020, under Sections 188, 420, 120-B IPC and under Section 61/1/14 of Excise Act, Police Station Kharkhoda, District Sonipat.
- vi. FIR No. 207, dated 13.05.2020, under Sections 420, 120-B IPC and under Section 61/1/14 of Excise Act, Police Station Kharkhoda, District Sonipat.

Learned Sr. counsel, therefore, contended that since the evidence on the basis of which the petitioner was arraigned as an accused, does not have much evidentiary value coupled with the fact that the main accused Bhupinder, had already been extended the concession of regular bail, he may also be granted the same concession.

Per contra, learned State counsel while opposing the prayer

and submissions made by learned counsel for the petitioner and referring to the status report filed by the State, has submitted that the custodial interrogation of the petitioner would be required, as he along with his brother Bhupinder is involved in as many as 15 cases of similar nature. It has also been submitted that the petitioner is a part of a liquor mafia and along with the co-accused had created a whatsapp group, through which, they would be in touch with each other and carry out their illegal activities, which also included procurement of fake labels, smuggling of illicit liquor etc. Learned State counsel has, therefore, contended that since the petitioner has not been cooperating in the investigation subsequent to the orders dated 21.07.2020 and 17.09.2020 of this Court, his custodial interrogation becomes all the more imperative in the light of his criminal antecedents and for busting the liquor syndicate operating in this part of the country.

Heard.

In the circumstances, keeping in view the nature of allegations levelled against the petitioner and his criminal antecedents, 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