

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

201(4)

**CRM-M-20267-2020
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. 107, dated 17.04.2020, registered under Sections 188, 420, 467, 471, 120-B of IPC and Sections 1, 14, 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) and Section 51 of the Disaster Management Act, 2000, registered at Police Station Salhawas, District Jhajjar.

Learned Sr. counsel for the petitioner contends that the petitioner has been falsely implicated in the case in hand, which is evident from the fact that he was not named in the FIR in question and was arraigned as an accused on the basis of disclosure statement of co-accused Parmod, who was allegedly found travelling in the truck from which recovery of liquor bearing marka of 'Party Special' was effected (Total 952 boxes of liquor (one box containing 12 bottles totalling 11424 bottles). It has been contended that the disclosure statement on the basis of which the petitioner is being sought to be arraigned as an accused, has no evidentiary

value. Hence, a prayer has been made for grant of concession of

anticipatory bail to the petitioner.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has submitted that the petitioner is, in fact, the kingpin and part of a liquor mafia, which had been involved in the illegal trafficking and smuggling of liquor. He has further submitted that the petitioner along with the co-accused, during the COVID-19 lockdown period had been arranging vehicles for transportation and smuggling of liquor. It was on the basis of a secret information that a truck bearing registration No. RJ-29GA-7780 (which was later found to be a fake number plate) with a COVID pass affixed on it, issued by the Executive Magistrate, Dera Bassi, (which too was found to be forged) was signalled to stop by the police. The driver on being signalled to stop fled away. On checking the truck, a huge recovery of liquor i.e. 952 boxes of liquor (one box containing 12 bottles, totalling 11424 bottles), was effected which had been concealed beneath onion bags. A person Pardeep, who was nabbed sitting in the cabin of the truck failed to provide any permit or licence *qua* the recovered liquor. It was during investigation of Parmod he suffered a disclosure statement *qua* the role of the petitioner and the lurement of money given by the petitioner for illegally transporting the huge quantity of liquor. Learned State counsel has thus prayed for the dismissal of this petition, as the petitioner is a man of criminal antecedents and has not been cooperating with the investigation agency subsequent to order dated 24.07.2020 of this court vide which he had been directed to join investigation.

Heard.

Prima facie, there are serious and grave allegations levelled against the petitioner of being a part of a liquor syndicate, which actively

carried out and continued with their nefarious activities even during the nationwide lockdown imposed following the outbreak of COVID-19 pandemic. In the wake of as many as 15 criminal cases of similar nature registered against the petitioner and allegations of forging the Registration Certificate (RC) of the vehicle and even the COVID travel pass etc., the petitioner does not deserve the concession of anticipatory bail, as his custodial interrogation would be crucial to bust the liquor syndicate allegedly operating in this part of the country.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

January 13, 2021

J.Ram

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