

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

**CRM-M-27019-2021
Date of decision: 14.07.2021**

Parvesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vimal Kumar Gupta, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 59 dated 01.02.2021, registered under Section 61(1)(a) of the Excise Act (Sections 420, 467, 468, 471, 476, 482, 483 of the IPC added later on) at Police Station Sector 10-A, Gurugram.

Learned counsel for the petitioner submits that the FIR was registered on the basis of a secret information that the driver of a tempo traveller is coming from Delhi to Mathura and is carrying illicit liquor. The police, on this information, stopped a vehicle bearing registration number DL-1VC-1536 for checking the illicit liquor. Thereafter, two persons were found in the said vehicle. The driver disclosed his name as 'Sachin' and the cleaner disclosed his name as 'Ajmeri'.

It is further submitted that both, the driver and the cleaner of the said vehicle, have already been granted concession of regular bail by the Additional Sessions Judge.

Learned counsel further submits that later on, the petitioner was nominated on the disclosure that said Sachin was the power of attorney holder of mini bus and even an application for releasing the same on superdari stands allowed by the trial Court in favour of Sachin, being owner of the vehicle.

Learned counsel further submits that except the disclosure statement of co-accused, nothing has come against the petitioner.

Learned State counsel could not dispute the factual position that petitioner was not named in the FIR and his name surfaced after the arrest of the driver and cleaner of the vehicle. It is also not disputed that petitioner is not involved in any other case.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the aforesaid facts, especially that petitioner is not involved in any other case and his name surfaced on the disclosure of the co-accused, from whom the recovery was effected and they have already been granted concession of regular bail, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

14.07.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*