

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

CRM-M-25591-2020

Date of Decision:06.01.2021

Satish Kumar

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. S.S.Mor, Advocate,
for the petitioner

Mr. Surender Singh, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conferencing.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.163, dated 04.04.2020, having been registered at Police Station Sadar Sonapat, alleging therein the commission of offences punishable under Sections 61/1/14 of the Excise Act, 1914, and Section 188, 269, 270, 271 of the IPC (with Sections 120-B, 420, 467, 468, 471 IPC added later)

On 22.12.2020, the following order had been passed by this court:-

“All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

Pursuant to the order of this court dated 17.11.2020, an affidavit of the Superintendent of Police, Sonapat, dated 18.12.2020, is on record, in paragraph 11 of which it has been stated that as per

the call detail records of the petitioners' mobile number and his wives' mobile number, he was found present at the spot on 04.04.2020 and further, was found to be in regular contact with other co-accused.

In view of the above, I would see no reason to continue with the interim order passed in favour of the petitioner. However, counsel for the petitioner has stated that he has not received a copy of the call detail records as have been annexed with the affidavit of the Superintendent of Police, Sonapat, (from pages 23 to 51).

Consequently, adjourned to 06.01.2021, with the interim order to continue to operate till then only and specifically, with it made absolutely clear that any request for an adjournment on behalf of the counsel for the petitioner would entail immediate vacation of the interim order, with no further order required to be passed.

Learned State counsel has brought to the notice of this court that part of the affidavit wherein it has been stated that the petitioner has in fact purchased the vehicle that was apprehended from one Naveen after which completely changed the look of the vehicle, with the vehicle also found to be registered in a false name in a district of Uttar Pradesh."

Today, Mr. Mor reiterates what he had been arguing on the previous dates, to the effect that that all others who were apprehended at the spot were actually released on bail by the police itself except two who could not be released as they did not furnish bail and surety bonds.

He further submits that neither the disclosure statement of the driver or his helper were recorded and in any case the other disclosure statements allegedly made have also not been annexed with the reply of the SP.

He next submits that one Bunti, who was apprehended later, also approached this court and was admitted to interim anticipatory bail by this court.

Having considered the matter, looking at the reply of the SP, to the effect that the petitioner, as per even his call detail records, was found to be present in the area and he and his wife were both found to be in touch with other co-accused, and further, it was the petitioner who in fact purchased the

vehicle that was apprehended and from which “illegal liquor” was recovered, I would see no reason further to entertain this petition, which is consequently, dismissed, with the interim order passed hereby vacated.

Naturally, in case the petitioner is arrested and thereafter he moves an appropriate application under the provisions of Section 439 of the Cr.P.C. before the appropriate court, that petition would be considered wholly on its own merits.

January 06, 2021

dharamvir/

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO