

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-39642-2021 (O&M)
Date of Decision:-7.12.2021

Juber	Versus	... Petitioner
State of Haryana		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munfaid Khan, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Banwari Lal.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.337 dated 29.8.2021 at Police Station Ferozepur Jhirka, District Nuh under Section 61(1)A-4-2020 of Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) and Sections 379, 411 and 120-B of Indian Penal Code.
2. The FIR was registered on the basis of secret information received by the police to the effect that Hasin, Amin, Juber (petitioner) and Ishak indulge in illegal sale of liquor and that they were also in possession of a stolen motorcycle. The Information was further to the effect that even on the given day i.e. on 29.8.2021 they were selling liquor illegally outside their shops.

Upon receipt of said information, a raid was conducted but the accused upon noticing the police party, ran away from the spot while leaving their motorcycle. It is alleged that the accused were identified by the secret informer as Hasin, Aamin, Juber and Ishak. 48 bottles of country made liquor and 16 bottles of beer were recovered from the spot. It is further alleged that 3 stolen motorcycles were also found at the spot.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case solely on the basis of alleged secret information and that there is no credible evidence to connect him with the alleged recovery of illegal liquor or the motorcycles in question.
4. Opposing the petition, learned State counsel, upon instructions, has submitted that since the recovery was effected from outside the shop of the accused, it is for the accused to have explained the factum of recovery and that in the absence of the same, the petitioner can safely be attributed possession of the said illegal liquor and the stolen motorcycles. Learned State counsel has further informed that the petitioner happens to be involved in 2 other cases under Indian Penal Code.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the nature of allegations particularly the fact that the police despite receipt of prior secret information has been unable to arrest any of the 4 accused, some kind of doubt would be raised on the case of the prosecution. In these circumstances, particularly on account of fact that the petitioner was not apprehended at the spot, the petition is accepted and the petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating

Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

7. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

7.12.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No