

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

Sr.No.209

**CRM-M No.40891 of 2021
Date of Decision: 10.11.2021**

Harish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Susheel Gautam, Advocate,
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana
for the respondent-State.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.587 dated 09.12.2018 registered at Police Station Civil Lines, District Kaithal under Sections 420, 467, 468, 471, 120-B IPC and Section 61/1/14 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), the petitioner has moved this petition for seeking the relief of anticipatory bail.

Shorn and short of unnecessary details, the allegations, as levelled in the subject FIR, are that on the basis of a secret information, the police party headed by SI/SHO Dharam Pal held a *naka* (barricades) and intercepted the truck bearing registration No. HR-46C-2429 and on checking, 1400 boxes, containing quarters of liquor, were found loaded in the same and the brand of the liquor was mentioned as 'Crazy Romeo

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Whisky' on these boxes and it had also been mentioned thereon that the liquor was for sale in Arunachal Pradesh only. During his interrogation, the driver of the truck named Sandeep disclosed that the petitioner, who is a liquor contractor and the owners of the truck as well as the distillery, used to forge the permits for transportation of the liquor to Arunachal Pradesh but to supply the same at Kharkhoda in District Sonepat.

The affidavit of Deputy Superintendent of Police, A.E.C. Kaithal, District Kaithal filed on behalf of the respondent-State, along-with Annexures R-1 and R-2, has already been placed on the record.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the petitioner has been roped in as an accused in this case merely on the basis of the disclosure statement as allegedly suffered by his co-accused named Sandeep, i.e. the driver of the truck whereas, in fact, he had no concern with the afore-said truck and no role to play in the alleged crime and in these circumstances, he deserves the relief as prayed for in the instant petition.

Per contra, learned State counsel argues that the petitioner, was a liquor contractor and in connivance with his co-accused, he used to forge the permits for transporting the liquor to Arunachal Pradesh and to actually transport the same to Kharkhoda and keeping in view the gravity of the offence committed by him, this petition be dismissed.

As specifically mentioned in para No.2 of the above-said

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affidavit, the co-accused of the petitioner named Sandeep has specifically disclosed that the petitioner and his other co-accused forged the permit for transporting the liquor to Arunachal Pradesh. Then, in para No.5 therein, it has been deposed that the co-accused of the petitioner named Kuldeep, the registered owner of the above-said vehicle, also made a disclosure statement to the effect that he had deputed accused Sandeep for transportation of the liquor in his truck at the instance of the petitioner. The evidentiary value of these disclosure statements can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and the same cannot be determined/ascertained at this stage, when the petitioner is yet to join in the investigation. It being so, the possibility of the requirement of the custodial interrogation of the petitioner for the purpose of eliciting the truth regarding the *modus operandi* adopted by him for the alleged commission of the offence in this case, cannot be ruled out.

To add to it, in paras No.8 and 9 of the afore-said affidavit, it has specifically been mentioned that the petitioner has not joined in the investigation despite issuance of several notices under Section 41(1) Cr.P.C. to him through his brother as well as father-in-law. The said FIR was registered on 09.12.2018 meaning thereby that the petitioner has been evading to join in the investigation for the last almost three years. To cap it all, three more cases are also stated to be pending against the petitioner.

Keeping in view the above-discussed facts and circumstances as well as the nature of the offence as alleged to have been committed by the

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petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the concession of anticipatory bail. Resultantly, the petition in hand stands dismissed.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of this case.

10.11.2021
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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>