

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

CRM-M-38197-2020 (O&M)
Date of Decision:-14.1.2021

Bhupender ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate and
Ms. Harneet Pannu, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by ASI Rajender.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.753 dated 3.7.2016 at Police Station Chandni Bagh, District Panipat under Section 61/1/14 of Excise Act and Sections 420, 467, 468, 471 and 120-B of Indian Penal Code.
2. The allegations levelled in the FIR are to the effect that an information was received that illegal liquor had been stored in godowns belonging to Dharmender. Pursuant to receipt of said information a raid was conducted and 5866 boxes of English Liquor, 9 boxes of Indian made liquor and 992 boxes of beer were recovered from godown No.1 and from godown No.2

3652 boxes of English Liquor and 4688 boxes of beer were recovered. It is further the case of prosecution that a vehicle bearing registration No.HR-99VT-3969 was found parked from which another 370 boxes of English Liquor were recovered.

3. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and is sought to be nominated as an accused on the basis of a disclosure statement allegedly made by aforesaid Dharmender, who was infact granted anticipatory bail by this Court vide order dated 16.6.2016 (Annexure P-2).
4. Opposing the petition, learned State counsel has submitted that during the course of interrogation of aforesaid Dharmender, disclosed that infact the entire racket of selling liquor in an illegal manner and of selling liquor in an area for which the accused did not have any license, was being run by the petitioner and infact Dharmender was merely being projected as a license holder, though it is the petitioner who is the kingpin. It has been submitted that since there is specific disclosure statement to this effect made by Dharmender, the complicity of the petitioner is clearly evident. Learned State counsel has further submitted that since the petitioner stands involved in 21 other cases registered under Excise Act, it is clearly evident that the petitioner is a seasoned offender and frequently indulges in sale of liquor illegally. Learned State counsel has, however, informed that the petitioner, pursuant to his arrest, has been behind bars since the last about 3 months and that challan already stands presented.
5. I have considered rival submissions addressed before this Court.

6. It is not in dispute that the petitioner is nowhere named in the FIR and that the recovery was effected from the godowns of Dharmender, who is himself a licence holder. The co-accused Dharmender from whose godowns the liquor was recovered has since been granted anticipatory bail. It remains unexplained as to why the police was unable to arrest the petitioner for a good 4 years as the alleged disclosure statement must have been made when Dharmender was arrested.
7. No doubt, the petitioner is stated to be involved in other cases but having regard to the aforestated facts and circumstances and the fact that the petitioner has been nominated as an accused on the basis of a disclosure statement made by co-accused, the admissibility and veracity of which would be debatable and that the petitioner has been behind bars since the last about 3 months, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.1.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No