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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3406-2022 (O&M)
Date of Decision:08.03.2022

Rajender @ Sonu Mistri

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr., Ravinder Malik Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

CRM-6631-2022

Application is allowed, subject to all just exceptions. Annexure

P-5 is taken on record.

CRM-M-3406-2022 (O&M)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.555 dated 17.12.2021 registered under Sections 61-4-20 Punjab Excise Act, at Police Station Taraori, District Karnal, who apprehends his arrest at the hands of Police.

The FIR was registered on the basis of secret information and the allegations as noticed by the Id. Sessions Judge, Karnal in the order dated 06.01.2022 are as under:

“Facts of the case, registered upon the tehrir sent by Head Constable Rohit Kumar, 547 CIA-I, Karnal, are that on 17.12.2021, he along with other police officials was present at Bus Adda Shamgarh in official vehicle No.HR45-B-7966 make Tavera, where secret informer informed him that Rajender Singh alias Sonu Mistri (present petitioner) son of Ratan Singh resident of Shanti Nagar, Karnal having mobile No.85700-35971, Munish Kumar son of Isham Singh Kamboj resident of Gheer and Ashok Kumar alias Babli son of Inderjit

Harijan, resident of Gali No.1, Hansi Road, Karnal are involved in smuggling of country made foreign liquor from Chandigarh to Gujarat and today by concealing the liquor boxes in Canter No.HR45C-5246, they would go to Gujarat from Chandigarh and in case naka is laid at Taroari, they can be apprehended. The said secret information was shared with the other police officials, naka was laid and in the meantime, Canter No.HR45C5246 was seen coming from Nilokheri side, which was signaled to stop. The driver of the said vehicle made attempt to take U-turn and from the said vehicle, one person succeeded in escape, whereas the others were apprehended, who disclose their names as Munish Kumar son of Isham Singh Kamboj and Ashok Kumar alias Babli son of Inderjit, who was sitting on the seat in the side of the seat of driver and disclosed the name of the other accused, who succeeded in escape, as Rajender alias Sonu son of Ratan Singh. The vehicle was searched and beneath the fertilisers bags, 30 boxes of Royal Challenge, 31 boxes of Royal Stag, 241 boxes of MC Dowells each containing 12 bottles and 50 boxes of MC Dowells, having 24 bottles each (pints) were recovered. The persons apprehended by the police could not produce any license or permit. Samples were drawn and thereafter the recovered articles were taken into possession along with the vehicle and the fertilisers box. On these allegations, case under Section 61-4-20 of Excise Act was registered.”

Learned counsel for the petitioner has argued that there is nothing to connect the petitioner with the alleged crime, as he was not arrested on the spot. According to him, the vehicle in question though is owned by the petitioner, but the same has been given on rent to one Ashok and in this regard, he has drawn the attention of the Court to the rent agreement dated 03.05.2021 (Annexure P-5). He submits that the petitioner is not involved in any other case of similar nature, therefore, his custodial interrogation may not be necessary, particularly when the recovery of the illicit liquor has already been effected from the co-accused. He prays for anticipatory bail.

After hearing the learned counsel for the petitioner, this Court finds that as per prosecution, the petitioner was travelling in the vehicle, which was carrying illicit liquor and was being transported to Gujrat. It is

spot is Rajender @ Sonu Mistri (petitioner), who is also the owner of the vehicle. Merely because the recovery has already been effected, would not be sufficient for extending the concession of pre arrest bail to the petitioner, as his custodial interrogation may be necessary to further find out the source of illicit liquor and its place of delivery etc.

Resultantly, the petition fails and is dismissed.

08.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No