

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3465-2022 (O/M)
Date of Decision: 28.1.2022

Amit Kumar

..... Petitioner

Versus

State of Haryana

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: - Mr. Vinod Ghai, Senior Advocate with
Ms. Kanica Ahuja, Advocate
for petitioner.

Mr. Kanwar Sanjeev Kumar, AAG Haryana.

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HARINDER SINGH SIDHU, J.

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 10 dated 8.1.2022 registered under Sections 279, 336, 427 IPC (Sections 420, 467, 468, 471, 473, 201, 120 B IPC added later on) and under Section 61 of Excise Act at Police Station Behal, District Bhiwani.

The FIR was registered on the complaint of one Kuldip who stated that he had opened a welding shop. In front of the welding shop, two motorcycles, some agricultural machines, cultivator and other articles had been kept. On 8.1.2022 at about 10.30 am, the complainant and his associate were sitting outside the shop. A canter which was being driven at high speed came there. It hit the tree on the road and overturned in front of the shop of the complainant. Due to this, the motorcycles and agricultural machines were damaged. The complainant narrowly escaped.

The two occupants of the canter fled away. The canter bore Regd.No. RJ 14 GD 8007.

On receipt of the complaint, the police visited the place of occurrence. The papers kept in the dash board of the cabin of the canter were checked. They did not match with the number plate on the canter. One RC No. UP 85 AJ 9207, one permit, insurance policy, one fitness certificate, valid from 28.9.2021 to 5.10.2021, one authorization in the name of Bilal son of Sher Khan resident of Mathura, U.P. alongwith two number plates marked UP 85 AJ 9207 were found. One RC in the name of Madan Lal resident of Shanti Nagar, Rajasthan with Number RJ 14 GD-8007, a fitness certificate and insurance policy in the name of Madan Lal resident of Ajmer were also found. In the cabin, one bulthy from Ludhiana to Jaipur, Rajasthan for Kurkure for an amount of Rs. 421800/- was found. A copy of Aadhar Card of Salamuddin resident of village Kairu, District Bhiwani was also found. The engine number and chasiss number of the canter were found to be erased.

An Excise Inspector was called. 70 boxes marked Mecdole, 35 boxes quarter marked beer, 58 boxes All Season, 13 boxes quarter marked All Season, HEINEKEN 432 cane beer, Budweiser 576 cane beer, CARLSBENG 360 cane beer, TUBORG 216 cane beer, KINGFISHER 240 cane were recovered from the canter.

It is the case of the prosecution that Salamuddin was arrested on 11.1.2022. In his disclosure statement he named the petitioner and others involved in the conspiracy. He also disclosed that the petitioner was escorting the canter in a separate Scorpio vehicle and had fled away from

the spot when the canter overturned. On 12.1.2022, Angpal was arrested. In

his disclosure statement, he stated that he had paid Rs. 900000/- to the petitioner for procuring liquor from a vend in district Rohtak and transporting the same to Gujarat. Anil was arrested on 14.1.2022. In his disclosure statement, he stated that he had got the liquor loaded in the canter from a liquor vend in the district Rohtak on the asking of the petitioner. Rajbir who was allegedly driving the canter was arrested on 15.1.2022. In his disclosure statement, he also disclosed that canter belongs to the petitioner.

Mr. Ghai, Ld. Senior Counsel for petitioner has argued that the petitioner has been implicated in the present case without any material evidence. The petitioner is neither named in the FIR nor is there any incriminating evidence to connect him with the alleged offence. The disclosures statements relied also are inadmissible. The allegation that the petitioner was escorting the canter on the day of occurrence in a separate Scorpio vehicle is based only on the disclosure statement of co- accused. Neither the complainant nor any other witness is alleged to have stated so. There is no material with the prosecution to suggest that the liquor was procured and was being transported by the petitioner and that the fake number plates were got prepared by the petitioner or that the canter belongs to him.

Sh. Kanwar Sanjeev Kumar Ld. AAG Haryana has argued that the custodial interrogation of the petitioner is necessary to recover the Scorpio and also to gather information regarding the High Security number plates found in the canter, how he removed the engine and chassis number, the fake built prepared.

not a fit case for grant of anticipatory bail to the petitioner. A huge quantity of liquor was recovered from the canter. The engine number and chasiss number of the canter were found to be erased. The canter bore a fake registration number. There were fake high security number plates in the canter. A fake builty of Kurkure was recovered. All those arrested have in unison disclosed that the canter belongs to the petitioner and that the fake builty had been got prepared by the petitioner and given to the accused driver by the petitioner and that the liquor had been procured by the petitioner

Accordingly, this petition is dismissed.

It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(HARINDER SINGH SIDHU)
JUDGE

28.1.2022