

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

Sr.No.210

**CRM-M No.5104 of 2022
Date of Decision: 07.03.2022**

Rakesh

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr. Shiv Kumar, Advocate,
for the petitioner.

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

* * * *

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arising out of the FIR bearing No.450 dated 03.09.2021 registered at Police Station Sector-58, Faridabad, under Section 61-4-20 of the Punjab Excise Act, 1914 (Haryana Amendment Bill 2020) wherein the offences under Sections 420, 467, 468, 471, 120-B IPC are stated to have been added later-on, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled in the present case, are that on receipt of a secret information regarding the liquor being illegally transported in the Canter bearing registration No. HR-55-S-3065, the police party, headed by HC Rohtash, reached at the disclosed place and saw the said vehicle coming and they signalled its driver to stop it and then, they apprehended him, who on being inquired,

.....

disclosed his name as Kasim Khan. The search of the Canter resulted in the recovery of 20 boxes containing Bottles, 20 boxes containing Halves and 160 boxes containing the Quarters of country made liquor and the same were taken into possession. During his interrogation, the above-said accused suffered the disclosure statement regarding his having been driving the said vehicle at the instance of the petitioner and his co-accused Randhir. During the further investigation, the number plate, as fixed on the above-said vehicle as well as its Engine and Chassis numbers were also found to be fake ones.

Status-report as filed on behalf of the respondent-State, by way of the affidavit of the Assistant Commissioner of Police, Mujessar, Faridabad, is already available on the file and the same is taken 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 nothing has been recovered from the petitioner in this case nor he was apprehended at the spot at the time of the alleged recovery of the liquor and rather, he has been roped in as an accused in this case merely on the basis of the disclosure statement alleged to have been suffered by his afore-named co-accused and in these circumstances, he deserves the relief as prayed for in this petition.

Per-contra, learned State counsel argues that the driver of the

.....

said vehicle, i.e. accused Kasim Khan, has specifically disclosed that the petitioner is involved in the illegal trading of the liquor and keeping in view the gravity of the offence committed by him, this petition be dismissed.

As categorically mentioned in para No.4 of the status-report, the number plate and the Engine and Chassis numbers of the vehicle in question have been found to be fake. As deposed in para No.3 therein, accused Kasim has suffered a disclosure statement regarding his having transported the liquor at the instance of the petitioner and another accused named Randhir.

The investigation is at the nascent stage and the possibility of the custodial interrogation of the petitioner to unearth the truth regarding the said fake number plate as well as the engine and chassis numbers of the vehicle, as allegedly involved in the commission of the offence, cannot be ruled out.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail. Resultantly, the petition in hand stands dismissed.

07.03.2022
neetu

(MEENAKSHI I. MEHTA)
JUDGE

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