

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

Criminal Misc. No.M-5682-2022(O&M)

Date of Decision: May 17, 2022

Angpal ...Petitioner

Versus

State of Haryana ...Respondent

2. Criminal Misc. No.M-10175-2022(O&M)

Amit Kumar ...Petitioner

Versus

State of Haryana ...Respondent

and

3. Criminal Misc. No.M-15966-2022(O&M)

Mukesh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Suvir Sidhu, Advocate
for the petitioner (in CRM-M-5682-2022)

Mr.Abimanyu Singh, Advocate
for the petitioner (in CRM-M-10175-2022).

Mr.RamAvtar Sheoran, Advocate
for the petitioner (in CRM-M-11398-2022).

Mr.R.K.Singla, DAG, Haryana.

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HARINDER SINGH SIDHU, J.

This order shall dispose of three petitions i.e. CRM-M-5682-2022 filed by Angpal, CRM-M-10175-2022 filed by Amit Kumar and CRM-M-11398-2022 filed by Mukesh, as all three have arisen out of the same FIR.

All the petitions are filed under Section 439 Cr.P.C for grant of regular bail in case FIR No.10 dated 08.01.2022 under Sections 279, 336, 427 IPC (Sections 420, 467, 468, 471, 473, 201, 120-B IPC added later on) and Section 61 of Punjab Excise (Haryana Amendment Bill, 2020) Act, Police Station Behal, District Bhiwani.

The version of the prosecution is that on 08.01.2022, a container displaying Reg.No.RJ14GD-8007 struck against the motorcycles bearing Reg.No.HR-18A-8269 and HR-48C-4915 belonging to the complainant Kuldeep in front of his Welding shop at Village Sirsi. The motorcycles overturned in the accident. The complainant alleging that damage was caused to the motorcycles and his other properties, intimated the Police.

On search of the container the police found fictitious High Security Number Plates as well as forged documents. Large quantity of Liquor was found in the said Container. Photocopy of Aadhar Card of Salamudeen (co-accused) was also found in the said Container. Accordingly, the Police arrested Salamuddin on 11.01.2022. On interrogation, he named Angpal (petitioner) and others. Angpal was arrested on 12.01.2022.

On interrogation, Angpal disclosed that he had paid Rs.9,00,000/- to co-accused Amit (petitioner) for providing liquor from a

vend at Samargopalpur in District Rohtak and taking the same to Gujarat. Then, co-accused Anil was arrested on 14.01.2022. He disclosed that he got the said liquor loaded in the Container from a liquor vend at Samargopalpur in District Rohtak on the asking of co-accused Amit @ Mintu. Thereafter, on 15.01.2022, the Police arrested co-accused Rajbir, who also disclosed the facts as stated by Salamudeen. The police investigation revealed that Amit (petitioner) was escorting the Canter with illicit liquor in a separate Scorpio vehicle. He was arrested on 31.01.2022.

Amit was interrogated, wherein, he disclosed that he had purchased the Canter for a sum of Rs.4,50,000/- from Mukesh (petitioner). Amit and one Ashish @ KD were going ahead of the Canter (Truck) in a separate Scorpio vehicle. The Scorpio vehicle was owned by Mukesh (petitioner), who is son of uncle of Amit. Mukesh was arrested on 03.02.2022.

Ld. counsel for the petitioners submit that the co-accused Salamudeen and Anil Kumar have already been released on bail. The petitioners have been behind bars for a long time. There is no other case against the petitioners. The prosecution case is based on documentary evidence and there is no likelihood of the petitioners tampering with the same. The Liquor vend Samargopalpur, Rohtak, from where the alleged liquor was loaded in the Container is in the name of one Ameer Singh. On behalf of petitioner Mukesh, it is also contended that he has nothing to do with the alleged recovered liquor, nor he was in any manner associated with the fictitious High Security Number plates of the vehicle. He had sold his old Canter to Amit and on his (Amit's) request he had also given his Scorpio

vehicle. He had no knowledge of the use of the said vehicles by co-accused for the illegal act.

Having considered the facts and circumstances of the case, particularly the fact that the petitioners Angpal, Amit and Mukesh are behind bars since 12.01.2022, 31.01.2022 and 03.02.2022, respectively, without expressing any opinion on the merits of the case, these petitions are allowed.

The petitioners (Angpal, Amit and Mukesh) are directed to be released on bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

However, it is clarified that if the petitioners are found indulging in similar type of activities in future, the prosecution shall be at liberty to move for cancellation of their bail.

May 17, 2022
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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No