

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

238(1)

1. CRM-M-18788-2021
Date of Order: 25.01.2022

CHANDER PAL

..Petitioner

Versus

THE STATE OF HARYANA

..Respondent

2. CRM-M-45767-2021

LUCKY DHIMAN

..Petitioner

Versus

THE STATE OF HARYANA

..Respondent

3. CRM-M-46833-2021

ASHOK KUMAR

..Petitioner

Versus

THE STATE OF HARYANA

..Respondent

4. CRM-M-52802-2021

JANAK

..Petitioner

Versus

THE STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Navneet Singh, Advocate,
for the petitioner. (in CRM-M-45767-2021)

Mr. Sanpreet Sandhu, Advocate
for the petitioner. (in CRM-M-18788 & 46833 of 2021)

Mr. Ravinder Bangar, Advocate
for the petitioner. (in CRM-M-52802-2021)

Ms. Mamta Singla Talwar, DAG, Haryana.

ANIL KSHETARPAL, J(Oral)

The hearing of the case is being held through video
conferencing on account of restricted functioning of the Courts.

By this order, four bail petitions filed by Chander Pal, Lucky Dhiman, Ashok Kumar and Janak shall stand disposed of.

All the petitioners are involved in a criminal case arising from FIR No.92 dated 07.04.2021, registered under Sections 61 (1) (A) of Punjab Excise Act (Haryana Amendment Act) 4-2020 and under Section 420 and 120-B of Indian Penal Code, at Police Station Chhachhrauli, District Yamuna Nagar.

As per the case of the prosecution, on receipt of a secret information that Janak son of Sh. Molad Ram, resident of Nathanpur, Ashok son of Sh. Om Prakash, resident of Jairampur and Vivek, resident of Jairampur, Anil son of unknown, resident of Village Lakar and Chander Pal son of Shyam Lal, resident of Village Manbharwala and Lovnish @ Lucky, resident of Mulana, are working together for smuggling of illegal liquor to the State of Uttar Pradesh in order to avoid the payment of tax. It is alleged that they make lot of money while causing loss to the Government. On receipt of the information, the police party conducted search and found that Janak, Ashok, Anil and Vivek while taking advantage of the darkness during the night ran away, whereas, Chander Pal was arrested with 70 boxes of country-made liquor. It was found that there are 62 boxes of NV Malta Theka Sharab Desi, whereas, 08 boxes of quarters labelled as Charlie Malta.

All the petitioners were arrested. Chander Pal has been released on interim bail.

The learned counsel representing Janak has contended that the liquor has been recovered from his fields and except that there is no recovery from the petitioner.

On the other hand, the learned counsel representing Ashok Kumar contends that there is no recovery from the petitioner, whereas, the learned counsel representing Chander Pal contends that he has been falsely implicated in the present case. The learned counsel representing Lucky Dhiman contends that there is no recovery from the petitioner except Ritz car, which was alleged to have been used for transporting the liquor.

On conclusion of the investigation, the police report under Section 173 Cr.P.C. has been filed on 15.09.2021.

The petitioners are involved in other cases. They are now in the judicial custody. The conclusion of the trial is likely to take some time. As per the learned counsel representing the petitioner(s), the maximum sentence in such cases is 03 years.

Keeping in view the aforesaid facts, further incarceration of the petitioners in each case is not appropriate.

Hence, the petitioners are directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate concerned.

The interim bail granted to Chander Pal is order to be extended.

All the pending miscellaneous applications, if any, are also disposed of.

January 25, 2022

Ay/Chetan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No