

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

Criminal Misc. No.M-18488-2022(O&M)

Date of Decision: June 01, 2022

Gulshan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

AND

2.

Criminal Misc. No.M-18998-2022(O&M)

Rajbir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Sudhanshu Makkar, Advocate
for the petitioner (in CRM-M-18488-2022)

Mr.Ankur Lal, Advocate
for the petitioner (in CRM-M-18998-2022).

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

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HARINDER SINGH SIDHU, J.

This order shall dispose of two petitions i.e. CRM-M-18488-2022 filed by Gulshan Kumar and CRM-M-18998-2022 filed by Rajbir, as both the petitions have arisen out of the same FIR.

Both 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 Canter, the police found fictitious High Security Number Plates as well as forged documents. Large quantity of Liquor was found in the said Canter. Photocopy of Aadhar Card of Salamudeen (co-accused) was also found in the said Canter. Accordingly, the Police arrested Salamuddin on 11.01.2022. On interrogation, he named Angpal 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 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 Canter 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 (petitioner), who also disclosed the facts as stated by Salamudeen. The police investigation revealed that Amit 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. Amit and one Ashish @ KD were going ahead of the Canter (Truck) in a separate Scorpio vehicle. The Scorpio vehicle was owned by Mukesh, who is son of uncle of Amit. Mukesh was arrested on 03.02.2022.

It is the case of the prosecution that the name of petitioner Gulshan Kumar surfaced in the disclosure statement of Amit, who stated that the fake number plate was got prepared from the petitioner on payment of Rs.1200/-. Gulshan Kumar was arrested on 03.02.2022.

Qua petitioner Rajbir, the allegation is that he was driving the Canter, wherein, the liquor was being smuggled. Rajbir is behind bars since 15.01.2022.

On behalf of petitioner Gulshan Kumar, it is argued that he is involved falsely in the case. He was nowhere named in the FIR. He is having a motor accessories shop in the auto market at Bhiwani for the last several years. The High Security Number Plates are prepared by the Government authorised agents, who use latest machines to make number plates with affixing of special holograms, which cannot be fabricated. Even as per the prosecution, the allegation is that the petitioner prepared the number plate on payment of Rs.1200/-. It is argued that it is not the case of the prosecution that Gulshan Kumar was in any manner involved in sale/purchase of the liquor or its transportation.

Ld. counsel for petitioner Rajbir has argued that the petitioner is a driver by profession and even as per the prosecution he was driving the offending vehicle at the relevant time. It is contended that the petitioner in

no way was involved in smuggling the liquor and he had no knowledge of the transportation of liquor illegally. He was arrested on 15.01.2022.

It is argued that co-accused Salamuddin, Anil Kumar, Amit, Angpal, Amit Kumar and Mukesh have already been released on bail. The prosecution case is based on documentary evidence and there is no likelihood of the petitioners tampering with the same.

Having considered the facts and circumstances of the case, particularly the fact that the petitioners Gulshan Kumar and Rajbir are behind bars since 03.02.2022 and 15.01.2022, respectively, without expressing any opinion on the merits of the case, these petitions are allowed.

The petitioners (**Gulshan Kumar and Rajbir**) 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.

June 01, 2022

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No