

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.24744 of 2022 (O&M)
Date of decision : 07.06.2022

Manish

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Sudesh Kumar Pandey, Advocate
for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.231 dated 08.05.2022 registered under Section 170 IPC and Section 61 of Punjab Excise Act at Police Station Sector 27, Sonipat.

The petitioner was apprehended from the spot. As per the allegation in the FIR :-

“The car was coming towards Naka and the driver had directed by the police officials to stop the car. That the driver of the car after seeing the police party and Naka tried to take the car back in opposite direction, however with the help of police officials the driver along with the car was apprehended. The person who was sitting on driver seat disclosed their name as Manish son of Anil Shokeen, Jat resident of H.No.441 Jat Chowk, Nangloi, Delhi and the person sitting on the conductor seat Mohit son of Rakesh Kumar Shokeen, Jaat r/o Ashoka

Mohalla, Phase 2, Nangloi, Delhi. On seeing the number of the vehicle it was found that it was DL-2CQ-4826 marka SX4 maruti Suzuki white colour and it was spelt out on the bonnet as Government of India in red colour and even it was so spelt out on the number plate on the back on the vehicle and opening the diggi of the vehicle the boxes of liquor were found. Both the persons failed to produce licence and permit. Nobody agreed to become a witness. The English liquor and falkon Santra country made liquor as a result of search of the vehicle 14 boxes of Night Blue Metro Liquor having 50 quarter each box were found in dicky of the car. Besides, 18 boxes of country made liquor (Desi) falkon Santra, and the samples were drawn and were converted into parcels duly sealed. The seal was handed over to Constable Rajmal 1413. Thus, the accused have committed the offence punishable under Section 61-4-2020 of Excise Act and 170 IPC. Investigation was carried out by HC Suresh Kumar and thereafter by HC Amit Kumar. Accused were arrested on finding the evidence of their involvement.”

Counsel for the petitioner submits that the petitioner is behind bars since 08.05.2022 and as to whether offence under Section 170 IPC is made out or not will be a debatable question. Further he submits that there is no other case pending against the petitioner.

Mr. Amit Aggarwal, DAG, Haryana states that infact the petitioner is a part of a cartel which was involved in the illegal activities of trading of illicit liquor. He further avers that keeping in view the fact that the Government vehicle was being used to carry out illicit liquor, the petitioner is not entitled for grant of bail.

Having heard counsel for the parties, I am of the considered opinion that the petitioner is behind bars since 08.05.2022. Keeping in view the above facts and the period of incarceration already suffered by the

petitioner, without going into the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

Needless to say nothing recorded herein shall be construed as an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

07.06.2022
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No