

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-26349-2022

Date of Decision:- 26.09.2022

Jaiveer.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Baljeet Beniwal, Advocate for the Petitioner.

Mr. Vikrant Pamboo, DAG Haryana.

JASJIT SINGH BEDI, J.

The prayer in the petition under Section 438 Cr.PC is for grant of anticipatory bail to the petitioner in case FIR No.177 dated 16.05.2022 registered under Sections 420 IPC and Section 6 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) registered at Police Station Dharuhera, District Rewari.

The brief facts of the case are that while the police party was on patrolling duty a secret informer informed that a truck bearing No.RJ-36GA-0871 would be going towards Rajasthan full of liquor. Based on the said information a *nakabandi* was started near New Chaudhary Dhaba. The truck came from Delhi side and on being signalled to stop the truck driver accelerated the speed of the truck. The police party was able to stop the truck by putting the government vehicle in front of the said truck and on seeing the number of the truck it was found to be RJ 36 GA 0871. The driver disclosed his name as Nathuram Choudhary and on being asked for the goods in the truck he presented a E-way bill No.701259346397. On checking the truck a secret compartment was found which was full of illegal liquor. Thereafter recovery of 400 cases of liquor was effected. On his

disclosure statement it was found that owner of the liquor was Jaiveer Godara @ Bablu Godara (petitioner). The liquor was to be supplied to one Heera Bhai.

The petitioner sought the concession of anticipatory bail pleading therein that in fact the truck in question did not belong to him and even otherwise he had been named on the disclosure statement of his co-accused. His arrest was stayed vide order dated 7.7.2022 and he was asked to join investigation. The counsel for the petitioner has reiterated his arguments as mentioned in the interim order that he was named on the disclosure statement of the arrested accused which was inadmissible in evidence and even the truck did not belong to him.

The Counsel for the State has filed a reply dated 09.09.2022 to contend that undoubtedly petitioner has joined investigation. However, as per investigation it has been found that the petitioner is the main accused. He owns a number of liquor vends in and around Gurugram and the liquor was being transported from Haryana to Rajasthan without a licence or permit to transport the same. Merely because the petitioner was not the owner of the truck would not absolve him of his liability.

I have heard learned Counsel for the parties at length.

As per police investigation, the petitioner is the main accused. The liquor in the truck which was being illegally transported to Rajasthan belongs to him. In order to take the investigation to its logical conclusion, the custodial interrogation of the petitioner is certainly necessary, more so in view of the serious nature of allegations against him.

Therefore, I find no merit in the present petition and the same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

September 26, 2022
Vinay

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