

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.208

Case No. : CRM-M-153-2023

Date of Decision : February 13, 2023

Virender @ Vikki Petitioner

vs.

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Ankur Sheoran, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

This is a petition under Section 438 Cr.P.C., filed by the petitioner, seeking anticipatory bail in case FIR No.437 dated 26.12.2022 (Annexure P-1), under Section 61 of Punjab and Haryana New Amended Excise Act, 2020 and Section 120-B of IPC, registered at Police Station Dharuhera, District Rewari.

Pursuant to order dated 05.01.2023, passed by this Court, Status Report by way of affidavit of Rajesh Lohan, HPS, Deputy Superintendent of Police, Bawal, District Rewari, has been filed in Court today, which is ordered to be taken on record.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR. His name came for the first time in the

disclosure statement of the co-accused. Recovery of liquor has already been made. The petitioner had given his car bona-fidely to the co-accused without knowing that they were indulging in liquor trade. The petitioner has no criminal antecedents. He is ready to join investigation as and when required.

Learned State counsel has opposed the bail petition on the ground that the car owned by the petitioner was found with 1600 pouches of 180 ml. each of Royal Classic Whisky and the same are equivalent to 384 bottles of liquor. The liquor was meant to be transported to Bihar. The co-accused was contacted by the petitioner. During investigation, co-accused Yogesh conceded that a sum of Rs.74,000/- was transferred in his bank account by the petitioner from his account through UPI, only one day prior to recovery in question. The petitioner is master mind of the liquor smuggling from Rajasthan to Bihar. Therefore, custodial interrogation of the petitioner is necessary.

Heard.

Perusal of the file shows that secret information was received by the CIA Staff that liquor was being transported from the area of Rajasthan to Bihar. So, barricading was done. Upon checking, car owned by the petitioner was intercepted. The person, who was driving the car, disclosed his name as Mahesh and the person sitting on the next seat disclosed his name as Sonu. On searching the vehicle, 1600 pouches of 180 ml. each, containing whisky, equivalent to 384 bottles of liquor, were recovered. During interrogation, co-accused Yogesh made statement that he

had received amount of Rs.74,000/- by way of UPI transaction from the petitioner in his account from his account and the vehicle in question was also provided by the petitioner. The liquor was to be taken to Muzaffarpur (Bihar), as per instructions of the petitioner.

In view of what has been discussed in the preceding paragraphs, it is not a simple case where only disclosure statement was made by the co-accused. In addition to that, a sum of Rs.74,000/- was shown to have been transferred in the account of co-accused by the petitioner. The recovery is also effected from the vehicle which is owned by the petitioner. There is direct involvement of the petitioner in transportation of liquor. Therefore, custodial interrogation of the petitioner is required to unearth the truth.

In such cases, if a person is equipped with an order of anticipatory bail, interrogation becomes a mere ritual. This view of mine finds support from a judgment passed in the case of **State represented by the C.B.I. vs. Anil Sharma** reported as **1997 (7) SCC 187** wherein it has been specifically held that :-

“...Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual.”

Accordingly, keeping in view the gravity of the offence and the

fact that granting concession of anticipatory bail to the petitioner may hamper the investigation, no ground for grant of anticipatory bail is made out.

Dismissed.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

February 13, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.