

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

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CRM-M-10022-2023
Date of decision: 01.03.2023

Rajan Gandhi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vinod Ghai, Sr. Advocate with
Ms. Kanika Ahuja, Advocate and
Mr. B.N.S. Marok, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana and
Mr. Chetan Sharma, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.446 dated 18.12.2022 under Sections 61/4/20 of the Punjab Excise Act, 1914 (as applicable in the State of Haryana) and Sections 120-B, 272, 420, 467, 468 and 471 of the Indian Penal Code, 1860 registered at Police Station Sadar Narnaul, District Mahendergarh.

Status report by way of affidavit of Narender Kumar, HPS, Deputy Superintendent of Police, Narnaul, District Mahendergarh, has been filed in the Court today in compliance of order dated 24.02.2023, which is taken on record subject to all just exceptions.

Learned senior counsel for the petitioner *inter alia* contends that it was pursuant to a secret information received by the police, a truck carrying 1023 boxes of liquor was apprehended along with two persons namely Devender @ Tillu and Gaurav. On being

arrested, both these accused suffered disclosure statements which led to the arrest of one Manjeet @ Mota on 27.01.2023. During interrogation of Manjeet @ Mota, he suffered a disclosure statement wherein the name of petitioner along with one co-accused Surender Singh came to the fore and it was stated therein that the seized liquor had been procured from the godowns of the petitioner and co-accused Surender Singh, who were Directors of M/S Lake Forest Wines Pvt. Ltd.

While drawing the attention of this Court to Annexures P-11 to P-13, Learned Senior Counsel further contends that the petitioner who is a 72 year old man, has a history of various serious medical ailments for which he has undergone a few surgeries as well. All the offences are triable by Magistrate. There is no likelihood of the trial concluding in the near future as the charges have not yet been framed. It has also been submitted that the petitioner is not involved in any other criminal case much less a case of similar nature.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions, has not been able to dispute that the petitioner was nominated as an accused on the basis of a disclosure statement made by co-accused Manjeet @ Mota, who too had been nominated as an accused in the disclosure statements of other co-accused. Learned State counsel has also not controverted that the petitioner is indeed suffering from various medical ailments.

On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case of similar nature, he has replied in the negative.

I have heard learned counsel for the parties and perused

the material placed on record.

A perusal of the status report filed by the learned State counsel reveals that the petitioner, who is a 72 year old man, is suffering from various medical ailments. Investigation is complete and challan stands presented. The charges have, however, not yet been framed. Hence, the trial will take considerable time to conclude. Moreover, the petitioner has been nominated as an accused in pursuance of a disclosure statement allegedly made by co-accused Manjeet @ Mota, who too had been nominated as an accused on the basis of disclosure statements made by other co-accused. As conceded by learned State counsel since the petitioner is not involved in any other criminal case much less a case of similar nature, this Court deems it fit to extend the concession of bail to the petitioner, who has been in custody since 07.02.2023.

Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

01.03.2023

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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