

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

CRM-M No.40110 of 2023

Date of decision: 17th August, 2023

Sandeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Devender Arya, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.0268 dated 03.08.2023 under Section 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) registered at Police Station Sadar Mahendergarh, District Mahendergarh.

2. Learned counsel submits that a false case has been planted upon the petitioner by one of his competitors in connivance with the Police. He submits that there was no recovery, as alleged, effected from the car of the petitioner. It has been further submitted that though custodial interrogation of the petitioner is not required, he was still willing to join investigation and cooperate with the investigating agency.

3. Notice of motion.

4. On the asking of Court, Ms. Trishanjali Sharma, Dy. Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent/State and has opposed the prayer and submissions made by the counsel opposite. Learned State counsel, on instructions, has apprised the Court that custodial interrogation of the petitioner is required not only in the instant case but he is also evading arrest in another case bearing FIR No.219 dated 21.06.2023 under Section 61/4/20 of the Punjab Excise Act, 1914 registered at Police Station Sadar Mahendergarh.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The FIR in question came to be registered on the basis of a secret information received, wherein the petitioner was specifically named. On seeing police naka, the petitioner after stopping his car, fled away from the spot. However, when a search was carried out, recovery of 240 bottles of country made liquor and liquor English Royal Stag was effected. This Court can not also lose sight of the fact that the petitioner is a man of criminal antecedents as he has been previously involved in six other cases of similar nature, though in three of them he has since been acquitted by the Court below.

7. In the facts and circumstances enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner in the instant case. The petition stands dismissed.

8. 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.

(MANJARI NEHRU KAUL)
JUDGE

August 17, 2023
rps

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