

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.47410 of 2023 (O&M)
DATE OF DECISION: 21st SEPTEMBER, 2023

Manish		 Petitioner
	Versus	
State of Haryana		 Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Harsh Rana, Advocate and
Mr. Anil Kumar Rana, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.2092 dated 08.12.2022 registered under Sections 61 (1) (a) of Excise Act, 2020 and under Sections 420, 476, 120-B IPC at Police Station Shivaji Nagar, District Gurugram, Haryana.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted. He is not involved in the crime as alleged against him. Even as per the story of the prosecution, the name of the petitioner has been involved in the case on the basis of disclosure statement of the co-accused, namely, Sohit, who was driving the vehicle at the relevant time when the illicit liquor was recovered from the vehicle. However, the petitioner is neither the consigner nor the consignee of the illicit liquor, as such. The petitioner is ready to join the investigation as and when called by the Investigating Officer. Therefore, the petitioner deserves to be protected against his arrest.

3. Notice of motion.

4. Mr. Krishan K.Chahal, Addl. Advocate General, Haryana, accepts notice on behalf of the respondent/State.

5. Learned State counsel, being instructed by HC Abhilash, has submitted that on a secret information, a barrier was raised on the road and during checking, the car bearing registration No.DL-7-CM-8057 was intercepted. The said car was being driven by the co-accused Sohit. Even from the said car, 48 boxes of liquor were recovered. The vehicle in question is under the ownership of present petitioner. Learned State counsel has further submitted that the co-accused, Sohit had specifically disclosed that the recovered material was belonging to the petitioner. There is call detail of the petitioner, of being in constant touch with the co-accused Sohit when the material was being transported. Therefore, the petitioner is directly involved in the crime. The police are to unearth the *modus operandi* of the petitioner and to find out the dimensions of crime in which the petitioner is involved. Therefore, his custodial interrogation is imperative in this case. Hence, the petitioner does not deserve any protection against his arrest.

6. In view of the facts and circumstances available on record, as well as, the submissions made by learned counsel for the State, this Court does not find it appropriate to interfere in the matter so as to protect the petitioner against his arrest.

7. Dismissed.

21st SEPTEMBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No