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

CRM-M-48350-2023

Date of Decision: 11.10.2023

Jagdish Chand

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Anmol Partap Singh Mann, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case bearing FIR No.591, dated 13.12.2022, under Sections 61(1)(a) Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), (Sections 120-B, 419, 420, 467, 468, 471, 473 and 201 IPC added later), registered at Police Station Chandimandir, Panchkula Haryana.

2. It is submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case since he was not named in the FIR and his name has been surfaced only on the basis of disclosure statement of co-accused, which is not admissible in evidence. He further submitted that he had got nothing to do with the alleged liquor recovered from the canter and considering the aforesaid facts, he may be considered for grant of anticipatory bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, learned DAG, Haryana has filed a detailed affidavit on behalf of the respondent/State and submitted that it is a case where the canter was intercepted by the police and the driver of the canter, namely, Narender Kumar was also apprehended by the police, from whom there was a recovery of 537 boxes/cartons of quarter bottles of liquor which was illegal liquor and during the investigation it has been found that the liquor was supplied by the petitioner. He further submitted that the petitioner was also the director of a company, namely, M/s Akal Sahaye Wines Private Limited and he is a habitual offender and he is also a member of an interstate gang of liquor smugglers. He further submitted that there are two more FIRs against the petitioner although in those cases as well he was nominated thereafter. He also submitted that one of the FIR No.444 dated 30.12.2022, registered at Police Station Rai, Sonapat under Sections 61(1)(a) of the Haryana Excise Act, 2020, Sections 420, 467, 468, 471 and 201 IPC, the petitioner was although granted interim bail by this Court but he has till date not joined the investigation and there is another FIR No.06 dated 03.01.2023, registered at PS Chandimandir, Panchkula under Section 61(1)(a) of the Haryana Excise Act, 2020, Section 120-B IPC and submitted that the petitioner is a habitual offender and he is involved in illegal sale of liquor in different States. He further submitted that the police have sufficient material to connect the petitioner with the present offence since the entire confiscated liquor was supplied by the petitioner and he is required for custodial investigation for the purpose of elicitation of truth and also for determining the source from where he has got the aforesaid huge quantity of liquor.

4. I have heard the learned counsels for the parties.

5. It is a case where the petitioner was although not named in the FIR but thereafter, on the basis of disclosure statement of the co-accused, his name was nominated. However, it is a case of the State that during the course of investigation, the police have found sufficient material to connect the petitioner with the present offence. The petitioner is stated to be involved in two more cases under the Haryana Excise Act, 2020 and as per the learned State counsel he although was granted interim bail by this Court in one of the cases but he has not joined investigation till date. The argument raised by the learned State counsel that for the purpose of elicitation of truth and for determining the source of liquor, the custodial interrogation of the petitioner is required, carries weight and cannot be ignored.

6. Therefore, considering the gravity and magnitude of the offence, this Court does not deem it fit and proper to grant the anticipatory bail to the petitioner. Consequently, the present petition is hereby dismissed.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

11.10.2023

Bhumika

(JASGURPREET SINGH PURI)

JUDGE

1. Whether speaking/reasoned	Yes/No
2. Whether reportable:	Yes/No