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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-47672-2023

Date of Decision: 08.11.2023

Ashok

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. K.S.Malik, 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.0722 dated 28.08.2023, under Sections 420, 467, 468, 471, 120-B of IPC, 1860 and Section 61(1)(a) of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), registered at Police Station Camp Palwal, District Palwal, Haryana.

2. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case and in fact there are no allegations against the petitioner in the FIR. While referring to the FIR, he submitted that the allegations were that the police intercepted a truck from where there was a recovery of 130 boxes/cartons of illicit liquor and as per the allegations, one of the co-accused, namely, Neetu, who was apprehended and on asking he had

produced forged E Way bills. He further submitted that so far as the present petitioner is concerned, he was nominated on the basis of disclosure statement of co-accused, and therefore, he may be considered for the grant of anticipatory bail. He also submitted that the petitioner had got no connection with the alleged confiscation of the aforesaid illicit liquor if any.

3. On the other hand, Mr. Naveen Kumar Sheoran, learned DAG, Haryana, while referring to the status report filed by way of an affidavit of Additional Superintendent of Police, District Palwal, submitted that when the police apprehended the truck from where the aforesaid huge quantity of illicit liquor was confiscated from the other co-accused, namely, Neetu then he had produced forged E-way bills and he could not produce any licence etc. but had only produced forged bills and that is why the provision of Sections 467, 468, 471 IPC were also invoked in the present case. While further referring to the affidavit, he submitted that on his disclosure, he had disclosed the name of the present petitioner and also disclosed the sequence of events which led to the aforesaid recovery, and thereafter, demarcation of the place was also made. He further submitted that the truck in which the co-accused was travelling, was having a forged number plate and it was later on found that even the Chasis number was also different from the original number as per the records and in this way, a well-designed method was made by the petitioner and the other co-accused, not only having a forged and fabricated number plate but also forged and fabricated E-way bills and in this way smuggling of illicit liquor of 130 boxes/cartons were made by the petitioner and the other co-accused.

4. While further referring to the Para No.6 of the affidavit, learned State counsel submitted that during investigation, it was found that the aforesaid

co-accused, namely, Neetu was in constant touch with the present petitioner on his mobile number and the aforesaid verification was made after obtaining the records in this regard from the concerned service provider on the basis of the Call Detail Record. He further submitted that in the present case, the illicit liquor was procured from Punjab which was to be supplied at Kanpur in Uttar Pradesh and was recovered from truck at Rohtak.

5. Learned State counsel further submitted that the petitioner is a habitual offender and is involved in five more cases and the details of the same have been stated in Para No.8 of the affidavit and as per the details, the petitioner although has been acquitted in two cases but one case under Excise Act is pending and two more cases are under the IPC. He also submitted that for the purpose of elicitation of truth and to know the *modus operandi* adopted by the accused persons including the petitioner as to how the illicit liquor was procured and how the fabrication of E-way bills and the number plate of the truck was made, the custodial investigation of the present petitioner is very necessary for the purpose of qualitative investigation and therefore, has opposed the grant of bail to the petitioner.

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

7. The petitioner although is not named in the FIR but his name has surfaced on the basis of disclosure statement of the co-accused. However, submissions of the learned State counsel and a perusal of the affidavit would show that as per the stand taken by the State, the petitioner was constantly in touch with the other co-accused. The petitioner is also stated to be involved in other cases as well. The plea taken by the learned State counsel with regard to necessity of custodial investigation of the petitioner, in the facts and

circumstances of the case where there was not only an alleged forgery of the E-way bills but also of the number plate of the truck, his custodial interrogation is required does carry weight and cannot be ignored.

8. Therefore, this Court is of the view that considering the aforesaid facts and gravity of the offence in the present case, the petitioner does not deserve the concession of anticipatory bail. Consequently, finding no merit in the present petition, and the same is hereby dismissed.

9. 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.

08.11.2023*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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