

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53274-2023 (O&M)
Date of Decision:03.11.2023

Mandeep

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vinod Ghai, Senior Advocate assisted by
Ms. Kashish Sahni, Advocate, for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.418 dated 30.09.2023, under Section 61(1) of the Punjab Excise Act, 1914 (as applicable to the State of Haryana vide Haryana Amendment Bill 2020) and Section 120-B IPC (Section 420 IPC added later on), registered at Police Station Sadar Sirsa, Sirsa.

2. Learned Senior Counsel for the petitioner has submitted that the petitioner is in custody from 01.10.2023 and the allegations were that the police had intercepted a canter from where there was a recovery of 1180 boxes of liquor which was allegedly illicit liquor and the driver of the canter namely, Lal Singh was arrested on the spot. He further submitted that thereafter on the basis of disclosure statement the name of the petitioner was nominated on the ground that it was with the connivance of the present petitioner that the

liquor was lifted from the godown which was transported by the driver. He further submitted that there were some other co-accused also against whom similar allegations were levelled that they were also acting in connivance but they had filed different petitions before this Court for grant of anticipatory bail and in the aforesaid petitions for grant of anticipatory bail, the necessary information was sought from the concerned Excise Department who had informed and even issued a letter dated 17.10.2023 wherein it was specifically stated in para No.3 that 1037 boxes of liquor have been found to be duty paid and the remaining 143 boxes of liquor also have been found to be duty paid later on . He submitted that in this way the liquor as confiscated by the police was not illicit liquor but it was all duty paid even as per the Excise Department and on the basis of which five co-accused have been granted interim protection by this Court wherein they had filed petitions for grant of anticipatory in CRM-M-53201-2023 and CRM-M-53194-2023. He submitted that so far as the present petitioner is concerned, he was arrested and now he is in custody from 01.10.2023 and in view of the aforesaid factual position, the petitioner may be considered for the grant of regular bail. He further submitted that petitioner is not involved in any other case and has got clean antecedents.

3. On the other hand, Ms. Harpreet Kaur, learned Assistant Advocate General, Haryana has submitted that so far as the aforesaid factual position is concerned, the same is correct because a letter was issued by the Excise Department that the liquor was duty paid.

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

5. In view of the aforesaid factual position as stated by the learned counsel for the parties and the fact that the petitioner has already faced incarceration from 01.10.2023 and the petitioner is stated to be not involved in

any other case, this Court is of the view that the petitioner deserves the concession of regular bail.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

03.11.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No