

115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55782-2023
Decided on : 06.11.2023

Anu Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sushil Sheoran, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.250 dated 07.07.2023 under Sections 279, 336 and 420 IPC and Section 61 of Punjab Excise Act, 1914 registered at Police Station Sonipat Sadar District Sonipat.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand and had no role to play in the occurrence in question, which is evident from the fact that neither was he named in the secret information nor was he apprehended at the spot. It has been further submitted that the petitioner has been implicated only on the basis of a disclosure statement allegedly suffered by co-accused Amarjeet, who was named in the secret information and apprehended at the spot along with 25 boxes of English liquor marka imperial blue (300 bottles), 20 boxes English liquor (half bottle) marka imperial blue (240 bottles), 55 boxes

English liquor marka McDowell (660 bottles), 95 boxes English liquor (half bottle) marka McDowell (1140 bottles), 80 boxes English liquor (1/4th bottle) marka blue stroke whiskey (960 bottles). Learned counsel has further submitted that the evidentiary value of the disclosure statement allegedly suffered by the co-accused is of a weak nature and hence, on this ground alone the petitioner deserves to be extended the concession of anticipatory bail.

3. Heard learned counsel and perused the relevant material on record.

4. *Prima facie*, there are serious allegations levelled against the petitioner of having prepared fabricated bills and bilty of 'surf' and a fake number plate of the vehicle in which the recovered liquor was being transported. When the vehicle was intercepted by the police, co-accused showed these fake bills/bilty to the police in order to conceal the transportation of unauthorized liquor. Furthermore, though it was urged by the learned counsel for the petitioner that the co-accused, who was apprehended at the spot alongwith the recovered liquor, had been granted the concession of bail, however, it needs to be observed here that the co-accused had not been granted the concession of anticipatory bail but regular bail, hence, the petitioner cannot seek parity with him. Therefore, in the wake of the role attributed to the petitioner in the FIR in question, this Court does not deem it fit to extend the extra-ordinary concession of anticipatory bail to the petitioner. Accordingly, the present petition stands dismissed.

5. 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.

06.11.2023
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(MANJARI NEHRU KAUL)
JUDGE

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