

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

246

CRM-M-4554-2024 (O&M)
Date of Decision:- 19.04.2024

SURESH

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. A.S. Sheoran, Advocate for the petitioner.
Mr. Dhruv Sihag, AAG Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C., the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
191	12.06.2023	420, 120-B, 467, 468 and 471 IPC; 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020)	Khol, District Rewari

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is not named in the FIR but has been nominated on the basis of alleged disclosure statement made by one Ramesh Kumar, who was apprehended by the Police at the spot from whom recovery of

canter containing liquor was effected. He submits that the petitioner has no concern with the said transaction and moreover, such disclosure statement has no evidentiary value in the eyes of law. He thus prays for grant of anticipatory bail to the petitioner.

3. *Per contra*, learned State counsel referring to the status report submitted by the State has assailed the arguments raised by learned counsel for the petitioner by stating that the petitioner is alleged to have played a specific role in the transaction, as it has come out during the course of investigation that the petitioner while driving a Swift car bearing No. HR-19M-4198 had been escorting the canter containing liquor from Punjab to Gujarat. It is submitted by learned State counsel that it has also come in the investigation that the petitioner was using a mobile phone and was in touch with the canter driver so as to warn him of any Police *nakka* ahead. He has further submitted that not only the canter driver namely Ramesh son of Jagdish Prasad, who was apprehended at the spot, has named the petitioner but the petitioner has been named by one Surinder, who allegedly provided a Fastag for the aforesaid canter on his own name, as such, the custodial interrogation of the petitioner is required to unearth the *modus operandi* adopted by the accused for transporting the liquor illegally from Punjab to Gujarat and thus prayed for dismissal of the bail petition.

4. Heard.

5. So far as the factual matrix of the case is concerned, on the basis of a secret information, one canter containing 501 boxes of English liquor of different brands was recovered by the Police on 12.06.2023 and its

driver namely Ramesh Kumar son of Jagdish Prasad was arrested, who produced the documents showing transportation of recycled corrugated material/cardboard scrap from Ludhiana to Indore vide e-way bill dated 10.06.2023. During the course of his interrogation, the driver disclosed the name of the present petitioner to have handed over the vehicle to him at a *Dhaba* at Fatehgarh Sahib, Punjab loaded with liquor and given him Rs.22,000/- for the said purpose. He also disclosed that the petitioner was escorting the canter in a Swift car bearing No.HR-19M-4198 and was telephonically in touch with him to apprise him of the Police *nakkas*. Apart from the canter driver, the Police has also arrested one Ramesh Kumar son of Ishwar Singh, the owner of the Swift car used by the petitioner and also one Surinder, who had provided the Fastag for the said canter on his own name.

6. After considering the rival contentions and perusing the record, it transpires that the canter driver Ramesh Kumar son of Jagdish Prasad, Swift car owner Ramesh Kumar son of Ishwar Singh, and also aforesaid Surinder have categorically disclosed during their interrogation that the petitioner had taken the car from Ramesh Kumar son of Ishwar Singh at National Highway 152-D for the purpose of piloting the canter loaded with liquor to Gujarat and had also given Rs.22,000/- to the canter driver. Besides, the petitioner was in touch with the canter driver on his mobile phone to apprise him of the police barricades ahead. This apart, the canter driver, when apprehended by the Police, was carrying e-way bills pertaining to transportation of recycled corrugated material/cardboard scrap from

Ludhiana to Indore, whereas, the canter in fact was loaded with 501 boxes of English liquor of different brands and it has been categorically mentioned by the canter driver in his statement that the said canter along with liquor was handed over to him by the petitioner at a *Dhaba* at Fatehgarh Sahib, Punjab.

7. Therefore, keeping in view the nature and gravity of offence, the custodial interrogation of petitioner is required to unearth the source of liquor besides the *modus operandi* adopted by the gang to transport the liquor illegally from Punjab to Gujarat.

8. In these circumstances, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

19.04.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No