

219

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11796-2024

Date of Decision: 13.03.2024

Shamsher alias Lila

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Tarun Hans, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.448 dated 20.06.2023 registered under Sections 420, 467, 468, 471, 120-B, 482, 483, 474, 476, 465 of IPC and Sections 61/4/20 of Excise Act, at Police Station City Narnaul, District Mahendergarh.

2. As per the case of the prosecution, the FIR in the present case was registered on the basis of a secret information. After getting the secret information, a naka was set up by the police and three vehicles bearing registration No. MH-14G-7529, HR-16-5729 and HR-16-AA-6563 were stopped by the police. As per the case of the prosecution, the petitioner was owner of the truck, which was driven by Keval Soni @ Kewal Soni and Prince was helper on the said truck. 256 boxes of illicit liquor were recovered from the three trucks without any permit or license. Even the registration number plates as well as the papers of the truck were found to be fake and fabricated.

3. Learned counsel for the petitioner contends that the petitioner has been wrongly arrested in the present case, in fact, the petitioner had already sold the said truck to Dinesh Sharma on 19.06.2023 on the basis of the affidavit (Annexure P-2). He further contends that Keval Soni @ Kewal Soni was arrested at the spot and has been granted the concession of bail by this Court vide order dated 11.01.2024 passed in CRM-M-55780-2023 (Annexure P-4). He further contends that the petitioner was arrested in the present case on 27.10.2023 and is in custody since then.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner and the petitioner does not deserve the concession of bail. However, she admits that no other criminal case is registered against him.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, similarly placed co-accused namely Keval Soni @ Kewal Soni and Prince have already been granted the concession of bail by this Court. The petitioner is in custody since 27.10.2023 and the challan has already been presented against him.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

13.03.2024.

hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No