



216 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-19734-2024
Date of decision: 15th July, 2024

Sanjay Singh
...Petitioner(s)
Versus
State of Haryana
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. T.S. Grewal, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
494	27.12.2023	Sadar Narnaul, District Mahendergarh	420, 467, 468, 471 and 120-B of IPC, 1860 and Section 61 of Excise Act

2. Brief facts of the case relevant for the purpose of disposal of this petition are that as per the allegations levelled in the FIR, that on 27.12.2023, a vehicle bearing registration No. MP-07-GA7695 was apprehended near Gohana toll NH152D on the basis of a secret information that illegal liquor was loaded in the same. The driver disclosed his name as Hanuman Godara. He had produced bilty papers in respect of the boxes containing medicines. However, on checking the container, 515 boxes of illicit liquor were recovered from the same. It was disclosed by the driver



that he was carrying the said liquor from Chandigarh to Rajkot on the direction of his owner namely Hanuman Saharan. Samples were drawn. After registration of formal FIR, investigation proceedings were initiated. The driver disclosed that this vehicle belonged to co-accused Swaroop Singh. The said Swaroop Singh was arrested on 02.01.2024 and on interrogation, suffered disclosure statement admitting his involvement in the subject crime and also disclosed that the present petitioner was involved in loading of the illicit liquor in the vehicle. He also disclosed the names of co-accused Naresh Kumar, Prem Kumar, Ashok Kumar, Vijay Bhai and some other persons who were involved in the business of illicit liquor. It was also disclosed that fake number plates on the vehicles and fake documents were got prepared in connivance with accused Manoj Kumar. The petitioner was arrested on 04.01.2024. He too suffered disclosure statement admitting his involvement in the crime on interrogation and produced three mobile phones. As per the disclosure made by him, he had constituted a company under the name of M/s Akal Shaye Wine Pvt. Ltd. at Chandigarh along with his accomplices and used to sell illicit liquor to Gujarat and Bihar through trucks. On the basis of his disclosure statement, some of the co-accused were arrested. Investigation has since been completed and challan against the petitioner and some co-accused has been presented whereas some of the co-accused Shiv Kumar, Kulwinder, Kulbir and Naresh Kumar are yet to be arrested. The petitioner had moved an application for grant of regular bail before the Court of learned Additional Sessions Judge, Narnaul which has been dismissed vide order dated 22.03.2024.



3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 04.01.2024. His custodial interrogation is no more required. Trial is likely to take time. The co-accused Manoj Kumar, Swaroop Singh and Pawan Sharma have been extended benefit of bail. On the ground of parity, he too deserves to be extended benefit of bail. It is further argued that the co-accused Naresh Kumar was also extended benefit of pre-arrest bail. Petitioner was not named in the FIR and has been involved in this case, on the basis of disclosure statements of the co-accused. He has a permanent abode. There are no chances of his absconding. Therefore, it is argued that he deserves to be extended benefit of bail.

4. Status report has been filed by the respondent-State. It is submitted therein and it has been argued by learned State counsel that there are serious allegations against the petitioner that he was involved in loading illegal liquor into the vehicle which was apprehended by the police party. The allegations against him are serious in nature. He has criminal antecedents. He is also involved in one more case of similar nature. Recovery of a sum of Rs. 6000/- which had come as his share for getting the illegal liquor loaded in the stands has been effected from him. There are chances of his absconding if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.



6. As per the allegations, 515 boxes of illicit liquor had been recovered from a container driven by the co-accused Hanuman Godara on 27.12.2023. This container was found to be supporting a forged number plate and is alleged to have been owned by co-accused Sanjay Kumar Siwach. As per the further allegations, the petitioner along with Pawan Sharma and some other accused is running a partnership firm in the name of M/s Akal Shaye Wine Pvt. Ltd. and is involved in transportation of illicit liquor to Gujarat and Bihar. The case of the prosecution mainly rests upon disclosure statements and recovery. Trial is likely to take time. The petitioner is in custody since 04.01.2024. No useful purpose would be served by keeping him in custody anymore. The co-accused Manoj Kumar, Swaroop Singh and Pawan Sharma have since been extended benefit of bail. Keeping in view the above discussed fact and circumstances but without commenting anything further on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

15th July, 2024
Parveen Sharma

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