



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

- 144+339

I.

CRM-M-20312-2024 (O&M)

Satender @ Bhandari

.....Petitioner

Vs.

State of Haryana

.....Respondent
- II.

CRM-M-30790-2024

Sandeep @ Bholu

.....Petitioner

Vs.

State of Haryana

.....Respondent
- III.

CRM-M-26814-2024

Sudama

.....Petitioner

Vs.

State of Haryana

.....Respondent

Date of Decision.:24.07.2024

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Prince Singh, Advocate for the
petitioner in CRM-M-20312-2024.

Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate for the
petitioner in CRM-M-30790-2024.

Mr. Parminder Singh, Advocate for the
petitioner in CRM-M-26814-2024.

Mr. Rajbir Singh, DAG, Haryana.

DEEPAK GUPTA, J. (ORAL)

In the three petitions tilted above, all filed under Section 439

Cr.P.C., petitioners pray for their release on regular bail in case arsing out of

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FIR No.42 dated 23.02.2024 under Sections 420, 120-B of the IPC (Section 201 of the IPC added later on) and Section 61 of Punjab Excise Act (Act No:1 of 1914) registered at Police Station Sanoli, District Panipat.

2. Status report by way of an affidavit of Shri Narender Singh, HPS, Deputy Superintendent of Police, Samalkha, Panipat has been filed on behalf of respondent- State in all the three cases.

3.1 As per the prosecution case, on the night intervening 22/23.02.2024, a police party headed by SI Krishan received secret information that truck bearing registration No.HR-58C-8843, containing illicit liquor in huge quantity was parked in front of the BDPO Office, Grain Market, Sanoli and if immediate raid is conducted, the same could be apprehended. As per the information, police party reached the spot and found the truck standing there. No person in or around the said truck was found. Emergency rescue vehicle was asked to keep a guard on the truck. Till morning, police party waited for driver or owner of the truck to come there but nobody came. On the basis of name and mobile number as mentioned on the truck, Sudama (***petitioner in CRM-M-26814-2024***) was contacted along with one Bhagat Singh and both were asked to come to the spot. Information was also conveyed to the Excise Inspector, District Panipat. The vehicle owner Sudama did not come despite intimation. The seals of the door of the container were broken and it was found that sacks and bags of rotten peanut were lying there but on removing the same, 951

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crates of different brands of English liquor, bearing stickers of “CHD, CHANDIGARH” and the label of “SALE FOR CHANDIGARH” were found. Samples were drawn and the container as well as the liquor were taken into possession.

3.2 During investigation, the owner of the truck Sudama was joined in the investigation on 24.02.2014 and on interrogation he disclosed that he had rented out the seized truck to Balkar Singh son of Darshan Singh. When he came to know about the illicit liquor contained in the truck, he snatched the same from its driver and parked it at Anaj Mandi. Balkar Singh was then arrested on 29.02.2024 along with driver of the truck Nayim Singh. In his disclosure statement, co-accused Nayim stated that he had loaded the illicit liquor found from the truck on the asking of Sandeep @ Bholu (***petitioner in 30790-2024***) from the shop-cum-godown of Satender @ Bhandari (***petitioner in CRM-M-20312-2024***).

3.3 Satender @ Bhandari was arrested on 10.03.2024, whereas Sandeep @ Bholu was arrested on 16.03.2024. The name of another accused Virender, also involved in the crime surfaced in the disclosure statement of Nayim co-accused/driver. It also emerged in the disclosure statement of Satender @ Bhandari that he was operating the said business in collusion with co-accused Virender.

3.4 The bank statement of the account of Virender was obtained from the concerned bank, which revealed that same had been used to deposit

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fees in AETC Department, Chandigarh with liquor vend for Sector 37-D, Chandigarh. It also emerged in the investigation that diesel for an amount of ₹17,000/- was got filled in the truck and payment was made by petitioner Sandeep @ Bholu from the Google Pay account of one Sonu.

4. It is contended by learned senior counsel appearing for accused Sandeep @ Bholu that he has been apprehended merely on the basis of disclosure statement of the co-accused, with no connecting evidence; that petitioner is in custody for the last more than four months; that trial may take time to conclude and so, he be allowed bail, as there is no other criminal case pending against him.

5. Learned counsel appearing for petitioner Sudama as well as Satender @ Bhandari have also pleaded false implication. It is contended by learned counsel for the petitioner Sudama that he had already sold the truck to Balkar and since said Balkar was not making payment of the truck to Sudama, he snatched the truck from the driver Nayim and parked it in Anaj Mandi. Learned counsel contends that petitioner was not even aware that Balkar had loaded illicit liquor in the truck. For petitioner Satender @ Bhandari, it is contended that he has been falsely implicated only on the basis of disclosure statement of co-accused Nayim and Balkar. Both these petitioners also pleaded about their long custody.

6. Learned State counsel has opposed all the three petitions by pointing out towards the nature of crime and the fact that huge recovery of

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liquor has been effected, which was meant to be sold in Chandigarh only but which was loaded in the truck for being smuggled to other places like Bihar.

7. I have considered submissions of both the sides and have perused the record.

8. Recovery has already been effected. Petitioner Sudama is in custody since 24.02.2024. Petitioner Satender @ Bhandari is in custody since 10.03.2024 whereas Sandeep @ Bholu is in custody since 16.03.2024. No purpose shall be served by keeping the petitioners detained, as further investigation and the trial may take time to conclude.

9. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, all the three petitions are allowed and petitioners are admitted to bail on their furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

A photocopy of this order be placed on the connected case files.

(DEEPAK GUPTA)
JUDGE

July 24, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No