



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

104 CRM-M-38560-2024
DATE OF DECISION: 08.08.2024

ANIL KARANWAL ...PETITIONER

Versus

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. V.S. Narwal, Advocate for the petitioner(s).
Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 of Bharatiya Nagrik Suraksh Sanhita, 2023 has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.322 dated 18.07.2024, under Sections 318(3), 61 of BNS and Section 61(1)(a) of the The Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) registered at Police Station Yamuna Nagar Sadar, District Yamuna Nagar.

2. Prosecution story set up in the present case as per the version in the FIR read as under :-

‘FIR No. 322 dated 18.07.2024 under section 318(3), 61 of Bhartiya Nayay Sanhita & Section 61 (1) (a), of The Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) registered at Police Station Yamuna Nagar, District Sadar Yamuna Nagar. To The SHO Police Station Yamuna Nagar Sadar Jai Hind, Today on 18.07.2024, Sl along with Head Constable Rajpal, R/CT



Ravindra, Home Guard Vishal, Home Guard Sukhwinder Singh, and government vehicle HR02GV 9544, whose driver Kaushal Rojgar Pradeep Kumar, were present near Aurangabad bridge on patrolling duty, when a special informer met the SI and informed that vehicle no. UK07CB5279 loaded with liquor is standing near Aurangabad Saharanpur highway bridge. On the basis of this information the SI informed his fellow officers about the situation and prepared a raiding party and the passersby were requested to join the raid. Also, on the spot Rohit Kumar son of Shri Babu Ram resident of Gulabgarh and Rakesh son of Rajkumar resident of Sukhpura city were included in the raiding party after informing them about the situation and the SI along with his fellow officers and the above mentioned persons reached near the Aurangabad Saharanpur Highway bridge in a government vehicle. Where the vehicle no. UK07CB5279 was parked on the side of the highway, upon getting information that liquor was loaded in it, St from his mobile number 9307088888 contacted Excise Inspector Mohan Singh Rana on his mobile number 9416375779 and informed him about the situation and requested him to reach the spot. Mr. Satbir Singh AETO, Mohan Singh Rana and ASI Lakhwinder Singh came in government vehicle HR2GV2744. They opened the cabin of vehicle no. UK07CB5279 and checked it. 85 crates of English liquor brand KING GOLD SUPREME WHISEY were recovered from inside the cabin, as per the labels on the bottles, the liquor belonged to HIGH FIELD DISTILLERS BOTTLERS (P) LTD. 211 INDUSTRIES BUSINESS PARK PHASE -1 CHANDIGARH was manufactured, Mohan Singh Rana, Excise Inspector, prepared his report and presented it to the SI. And videography was made on the spot through his personal mobile phone. The SI opened 1 box from containing 85 boxes (85X121020 above) and took out 2 bottles of liquor brand King's Gold Supreme Whiskey separately and prepared 2 labeled and got them stamped with SS/1-1 seal and after using the seal the same was handed over to HC Rajpal



59. The labled and the recovered liquor along with vehicle no. UK07CB5279 were taken into police possession as market evidence through a report. The report was signed by witnesses. When 85 boxes of English liquor brand King's Gold Supreme Whiskey were recovered from the vehicle no. UK07CB5279, the driver, along with the vehicle owner and other accomplices, was cheat and under section 318(3) and On finding that 61(2) BNS 2023 or 61(1)(3)-4-2020 EX ACT 2020 is true, the case is being sent to the police station of HC Rajpal 59 without any prior written complaint. The FIR should be registered and the FIR number should be informed. The incharge officer was informed about the Bajaria mobile phone. The second investigation officer was informed about sending the officer to the spot for further investigation. Today:- Aurangabad Highway Saharanpur Road SD SANDEEP PSI PS SDR YNR DT 18.07.2024 AT 15.00PM Today Police Station - At this time ASI Praveen Kumar No. 333 is present at the police station, as per above mentioned article, on receipt of the police station of HC Rajpal 59, the crime under section 318(3) or 61(2) BNS 2023 or 61(1)(A)-4-2020 EX ACT 2020 was found to be true, on this occasion FIR No. 322 dated 18.07.2024 under section 318(3) or 61(2) BNS 2023 or 61(1)(A)-4-2020 EX ACT 2020 was registered, Police Station Sadar Yamuna Nagar, and copies of FIR were prepared on computer. Which is being sent to the service of the officers related to Bajaria post. The copy is being sent to the investigator for investigation by the employee who brings the original article along with the police.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He submits that neither the petitioner was named in the FIR nor he has any connection



with the recovered articles i.e. 85 boxes of English liquor namely King's Gold Supreme Whiskey. Moreso, the petitioner is arrested only on the ground that the vehicle bearing registration No. UK07CB5279 from which the alleged recovery of liquor has been effected is owned by the petitioner.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer opposes the prayer for grant of anticipatory bail on the ground that the vehicle from which the recovery has been effected is owned by the petitioner and if he is granted the concession of bail he may tamper the evidence, therefore, he does not deserve the concession of anticipatory bail.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions made by counsel for the parties, this Court finds no reason to deny the petitioner the concession of anticipatory bail wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. Decision

Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the



terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

- ‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

08.08.2024
anuradha/sangeeta

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