



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

SR. No.106

**CRM-M-43977-2024
Date of decision:05.09.2024**

Jasbir @ Jassu @ Jasvir Singh

...Petitioner

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Ajay Kumar Dahiya, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S. SHEKHAWAT, J.

1. The present petition has been filed under Section 482 of BNSS, 2023 with a prayer to grant pre-arrest bail in FIR No.141 dated 06.05.2024 registered under Section 120-B IPC and Section 61 (61/4/2020) of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) at Police Station Sadar, District Sonapat.

2. The FIR in the present case was registered on the basis of a secret information and the same is reproduced as under:-

“S.H.O. Sir, I, A.S.I. along with Constable Rakesh 371/Sonipat, Constable Satvan 930/Sonipat, Mukesh driver enrolled under Kaushal Rojgar in government vehicle no. HR 10 GV 1452 was on night patrolling duty on Ratdhana Road and present near Canal Office, Sonipat. at that time we received a secret

information from our informer that one Vehicle no. DL 1 LAH 3602 Marka Tata Chota Hathi of White Colour of close body will come in which accused Aashish son of Shri Krishna, resident of Ward No. 12 near Old Masjid Kharkhoda, Sonipat and Aryan son of Pradeep residents of village Rohana, Tehsil Kharkhoda, Sonipat are coming from I.T.I. Chowk having illicit liquor, if barricading is laid immediately then both the above mentioned persons along with illicit liquor can be apprehended. After leaving the secret informer and informing the fellow police officials, the barricade was laid, Sombir son of Rajbir resident of Gali No. 1, Shiv Colony, Sonipat who was passing from there, was asked to become a witness after informing about the secret information and he agreed to become a witness. At that time only a vehicle no. DL 1 LAH 3602 Tata Chhota Hathi was seen coming from I.T.I. Chowk and I, A.S.I. (Sanjiv) gave signal to stop the vehicle and also with the assistance of the co-employee the vehicle got stopped and we inquired about the name and address of the driver of the vehicle, who told his name as Aashish, son of Shri Krishan, resident of Ward No. 12, near Old Masjid, Kharkhoda, Sonipat, and the boy sitting with him on enquiry told his name as Aryan son of Pradeep resident of village Rohana, Tehsil Kharkhoda, District, Sonapat. Thereafter, the vehicle was searched and liquor was found loaded inside the vehicle. The driver of the vehicle was asked to produce license of the liquor and documents of the vehicle, but no license or permit of the liquor and documents of the vehicle were produced. Thereafter, liquor lying in the vehicle was checked and inside the vehicle, 61 Boxes of ½ bottles of Country made liquor mark FALCON Orange, 21 Boxes of ½ bottles of country made liquor marka Mark MAST Orange, 23 Boxes of half bottles of country made liquor marka ADS MOTTA and 30 Boxes of quarter bottles of country made liquor marka ADS MOTTA were recovered. During sustained interrogation from the driver, he told that liquor loaded in the

vehicle is of Jasbir alias Jassu, resident of Rohana and Harish son of Pappu, resident of Rohana, District Sonipat and this liquor has been got loaded by Harish from L-13 I.T.I. Chowk, Sonipat and Harish and Jassu had told him that this L-13 is of their known Sandeep son of Ran Singh, resident of Bajana Khurd, Sonapat and they are having understanding with Sandeep and after getting loaded liquor in the vehicle, Harish had gone from there in some other vehicle and they both were asked to reach Bahadurgarh with vehicle of liquor. Out of recovered 61 Boxes of ½ bottles of Country made liquor mark FALCON Orange one half bottle got taken as a sample, like wise out of 21 Boxes of ½ bottles of country made liquor marka Mark MAST Orange one half bottle got taken as a sample, out of 23 Boxes of half bottles of country made liquor marka ADS MOTTA one half bottle got taken as a sample and also from 30 Boxes of quarter bottles of country made liquor marka ADS MOTTA one quarter bottle got taken as a sample and likewise each sample got sealed separately. And the sample were given to M. Constable Satyawar 930/Sonipat. The remaining liquor and vehicle no. DL 1 LAH 3602 Tata Chhota Hathi were got confiscated and taken into Police Custody as evidence. Recovery Memo got prepared. Recovery memo got signed by fellow officers, private witness Sombir and both accused. That Aashish and Aryan were having 135 boxes of liquor without any permit and license therefore the present case is found to be of section 61/04/2020 Excise Act, 120-B IPC. Tehir got prepared and got sent through M. Constable Rakesh 371/Sonipat and case be registered and same be informed. I, ASI is complainant in the present case therefore some other ASI be sent to the spot for further investigation. Police Station Sadar Sonipat, date 06.05.2024 time 1.00 A.M. Police Proceedings.”

3. Learned counsel for the petitioner contends that the petitioner

the allegations levelled by the complainant, co-accused Ashish and Aryan were apprehended at the spot and liquor was recovered from them. However, the said co-accused allegedly stated in the police custody that the liquor was got in their vehicle loaded by Harish @ Pappu from liquor vend (L-13) and vehicle was allegedly owned by petitioner and the liquor belonged to Sandeep, co-accused. He further contends that the said statement made by co-accused in police custody is inadmissible in evidence and the petitioner had no connection either with the accused apprehended at the spot or recovery from them. Learned counsel further contends that since the recovery of liquor has already taken place, the custodial interrogation of the petitioner may not be required at this stage.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the liquor was illegally transported at the instance of the petitioner and thus, he does not deserve the concession of pre-arrest bail.

5. I have heard the learned counsel for the parties and perused the case file minutely.

6. In the present case, a huge quantity of liquor was recovered from co-accused Ashish and Aryan, who were carrying in their vehicle. Even the liquor was got loaded by some other accused. Apart from that, the prosecution has alleged that the liquor, which was recovered, was belonged to Sandeep, who has already been granted the concession of bail by the court below vide order dated 06.06.2024. Thus, the custodial interrogation of the petitioner may not be required at this stage.

7. In view of the above, the present petition is allowed. In the event of arrest, he shall be released on bail to the satisfaction of arresting/investigating officer subject to the conditions envisaged under Section 438 (2) Cr.P.C. He shall join the investigation as and when required by the investigating agency.

05.09.2024
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned:	YES / NO
Whether Reportable:	YES / NO