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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.55298 of 2024
Date of decision: 14.11.2024

Neeraj ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Pardeep Balyan, Advocate and
Ms. Shweta Bawa, Advocate,
for the petitioner.

Mr. Arjun Lakhanpal, Addl. AG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under
Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short
“BNSS”) seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
404	29.09.2024	Gannaur, District Sonipat	61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) and 125, 281 and 3 (5) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. As per the prosecution case, on 29.09.2024, a police party

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headed by ASI Jasbir was present near Village Garhi Kalan flyover, Ganaur when a secret information was received that the petitioner along with co-accused Akash, Sunil and Krishan, was coming from Chandigarh side towards Ganaur on a vehicle bearing registration No.DL-1LAA-8154. They were carrying illicit liquor in the vehicle and were doing recce of the said vehicle by moving ahead of the same in a separate vehicle i-20 bearing No.DL-10CD-9243. Believing the secret information to be true, a raiding party was immediately formed which laid a nakabandi at the informed place. Sometime thereafter, an i-20 car was found coming. Signal was given to stop the same but the driver of the car while reversing the same and by driving the vehicle at a high speed, tried to flee and in this process, the police officials had a narrow escape. The vehicle was followed and got stopped after some distance. One of the three occupants of the car managed to flee by taking advantage of the darkness whereas the apprehended two youths disclosed their names as Sunil and Akash. On interrogation, they also disclosed the name of the youth who had fled as Neeraj. It was also told by them that they used to bring illicit liquor from Chandigarh and sold the same for higher prices in Delhi and Haryana. They also disclosed that the vehicle carrying liquor was following them. The said vehicle also reached at the spot after sometime and was got stopped. The driver of the said vehicle disclosed his name as Krishna. On checking the vehicle, 46 crates of quarters

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make discount premium whisky and 58 crates of countrymade liquor brand 'Mota Santra Masaledar' were found kept in the vehicle. The driver failed to produce any licence or permit for the same. The vehicles as well as the liquor were taken into custody. The apprehended accused were also formally arrested. Investigation proceedings were initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Sonipat vide order dated 30.10.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The vehicle from which the alleged recovery was effected was registered in the name of one Harsh and not in his name. Infact he had lodged a case bearing FIR No.164 dated 18.04.2024 under the provisions of Prevention of Corruption Act, 1988 at Police Station Rai, Sonipat against some police officials and as a counterblast, he has been implicated in this case. His custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. Therefore, it is urged that he deserves to be given benefit of anticipatory bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the petitioner was specifically named in the FIR as well as by the co-accused in their

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respective disclosure statements. He had managed to flee from the spot. He has an active hand in the commission of subject offences. His custodial interrogation is required for conducting thorough investigation of the matter by the police. 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.

6. The petitioner is alleged to be involved in the business of purchase and sale of illicit liquor/liquor in an illegal manner and is alleged to have transported liquor without any permit or licence from Chandigarh for supplying the same to Delhi and Haryana. Though he was named in the FIR as well as in the disclosure statements of the accused, however, no recovery is to be effected from him as the same already stands effected. The co-accused have already been arrested and are on bail. The custodial interrogation of petitioner is not required. He is ready to join the investigation. In view of this discussion, I am of the considered opinion that the petitioner deserves to be extended benefit of anticipatory bail. With these observations but without meaning to make any comment on the merit of the case, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his surrendering before the Arresting/Investigating Officer within a period of ten days

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from today and on his joining investigation and further subject to furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS.

14.11.2024

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No