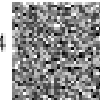


2025:PHHC:027654



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

**CRM-M-10982-2025
DECIDED ON: 27.02.2025**

RAJEEV KUMAR TYAGI**.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Manoj Kumar Sood , Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.0151, dated 10.09.2021, under Sections 120-B, 420, 467, 468, 471 of IPC and Sections 61/4/20 of the Punjab Excise Act, 1914 (Haryana Amendment Bill 2020), registered at Police Station Satnali, District Mahendergarh.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“To, The SHO, PS Satnali, Sir, Today I HC alongwith EHC Ravinder 211, EHC Sandeep Kumar 213, Constable Jasbir 592, Constable Bhupender 30 in official vehicle No. HR-35R-1496 with driver Constable Sandeep 562 gone for patrolling, when we were present Jawahar Nagar near Railway underpass, then the special informer called and informed that a truck having No. RJ-

32GB-0061, loaded with liquor with a green coloured Tarpaulin on it is coming from Loharu side. And that truck will go to Jodhpur via Mahendragarh Narnaul and a vehicle with Scorpio number RJ-23UB-8332 is moving ahead of the truck which is piloting the truck. If a blockade is done here then the truck full of liquor can be controlled. Considering this information to be true, the officials were informed about the information and the berricadding was started. In the meantime, a white Scorpio No. RJ-23UB-8332 crossed from the underpass. When HC signaled to stop it, he drove away with his Scorpio. After some time, a truck with No. RJ-32GB-0061 was seen coming out of the railway underpass. When HC signaled to stop it, the driver parked the truck on the side. The driver was controlled and asked for his name and address. The driver gave his name as Hanumant son of Omkar, resident of Satnali. When the bilti of loaded goods was asked from the driver, the driver produced the bilti of Jaljira. When the truck was checked, there were two tarpaulins on truck, out of which one was green and other was black covering the truck and a rope was tied over the tarpaulin. When the rope was opened and the triplex was removed and the truck was checked, it was found that the truck was loaded with liquor. After arranging labour, the liquor boxes were counted and 698 boxes of liquor English Make MC Mowell No.1, 296 boxes of liquor English Royal Challenger and 165 boxes of liquor English Make All Season with 12 bottles in each box were recovered from the truck. When Hanumant was asked for the above mentioned liquor bar license and permit, he could not produce it. From the recovered liquor, one bottle sample of each brand was taken out separately and marked with SS seal and police took in custody forged bilti, two tarpaulins, one rope and truck No. RJ-32 GB-0061 as a piece of evidence. Fard was signed by accused and witnesses. That the accused Hanumant S/o Omkar R/o Satnali has committed crime U/s 61-4-20 of The Excise Act and 120-B, 420, 467,468,471 of IPC by loading his truck with illegal liquor and producing forged

bilti and by piloting his truck with Scorpio jeep. The tehri was sent through EHC Ravinder Kumar 211 for registration of FIR. The case No. be informed after registration. I along with officials and accused present on the spot. Other researchers should be sent on the spot for research. XXXXX.”

3. **Contention**

On behalf of the petitioner

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case based solely on the disclosure statement of the co-accused, Pardeep. He further submits that the only allegation against the petitioner is that of preparing a bilti indicating the transport of 200 boxes of Jaljeera, whereas, upon inspection, the police discovered that liquor was being transported in the vehicle.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG Haryana, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that custodial interrogation of the petitioner is required for effective and thorough investigation. He could not justify the implication of the petitioner with any other incriminating material except preparation of a bilti.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that the liquor was being illegally transported in the said truck instead of jaljeera, which might have been changed/shifted after preparation of a bilti at New Delhi added with the

fact that the petitioner is not involved in any other case, meaning thereby he is a person of clean antecedents.

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and 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, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, 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 a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

27.02.2025

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>