



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22047-2025
DECIDED ON: 28.04.2025

SANDEEP KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Tanvir S. Grewal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of anticipatory bail to the petitioner in case FIR no. 238 dated 03.08.2024 (ANNEXURE P-1), under Sections 61, 340, 338, 336(3) and 318(4) of the Bharatiya Nyaya Sanita, 2023 and Section 61(1)(a) of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), registered at PS Manesar, District Gurugram, Haryana.

2. Brief facts of the present case unfolds as under:-

On 03.08.2024, ASI Sombir, along with his fellow officers, was on patrolling duty near the Bus Stand in Manesar. He received reliable information from a confidential source that a vehicle, coming from KMP Road and heading towards Manesar, was parked near Shyam Vaishno

Dhaba, containing illicit liquor. The vehicle's registration number was RJ-32-GD-7126, and the driver's name was Sudesh. It was indicated that, upon conducting a raid, the driver could be apprehended, and the truck along with the liquor could be seized. The information was considered trustworthy. The Incharge of the Crime Branch in Manesar was notified, and the other officers were briefed. Attempts were made to involve local witnesses, but they declined. At approximately 2:15 PM, the police team, accompanied by the informant, reached the location and found the truck. The informant confirmed the truck's identity. ASI Sombir, along with his team, approached the truck, where the driver was seated. The driver identified himself as Sudesh Kumar and claimed that the truck was carrying ceiling fans. He further mentioned that the truck's owners, Sonu and Anil, were following him in a Swift car (registration number HR-88A-8717) and had instructed him to arrive quickly. He provided a bill and a delivery note, which were checked. Upon inspection of the truck, it was discovered to be loaded with cartons of liquor. The driver was unable to produce any valid documents or a license for the liquor. The driver, along with the truck, was then taken to PS Manesar. The truck contained the following liquor cartons, intended for sale in Chandigarh: five cartons of Royal General Premium Blended Whiskey (quarter), 118 cartons of Royal General Premium Blended Whiskey (half), 17 cartons of Royal General Premium Blended Whiskey, 80 cartons of Imperial Style Blended Whiskey (quarter), and 75 cartons of Imperial Style Blended Whiskey (half). Samples were taken and sealed with the imprint 'AK'. Audio and video recordings were also made. Subsequently, an FIR was registered in this case.

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner would reply upon an order dated 04.04.2025 (Annexure P-4) passed by Apex Court in SLP (Crl.) No.563 of 2025, whereby co-accused Jagwinder Singh has been granted the concession of bail and submits that the petitioner is on the much better footing than the co-accused Jagwinder Singh as the petitioner is only a partner to the agreement with said Jagwinder Singh. He further contends that nothing is to be recovered from him as whatever recovery was effected that was from co-accused Jagwinder Singh. It has been further contended that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Chetan Sharma, DAG, Haryana accepts notice on behalf of the respondent-State, who opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner is actively involved in the commissioning of the offence as he is a partner with co-accused Jagwinder Singh in the liquor business.

4. **Analysis**

Be that as it may, considering the fact that the petitioner is on the much better footing than the co-accused Jagwinder Singh, who has been granted the concession of bail by Hon'ble Apex Court vide dated 04.04.2025 (Annexure P-4) passed in SLP (Crl.) No.563 of 2025 and also the fact that nothing is to be recovered from him for which his custodial interrogation is required at this stage as the alleged recovery has already been effected from

co-accused Jagwinder Singh. Also considering the fact that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer concerned.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him 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.

28.04.2025

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No