



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

CRM-M-29787-2024 (O&M)
Date of decision: 20.01.2025

Layak Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ashish K. Gupta, Advocate for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (*for short 'Cr.P.C.'*) for grant of pre-arrest bail to the petitioner in FIR No.60 dated 28.10.2023 (P-1), under Section 473 read with Section 34 of the Indian Penal Code, 1860 (*for short 'IPC'*); Section 61 of the Excise Act (Sections 420, 467, 468 & 471 IPC added later on), registered at Police Station Handesra, District SAS Nagar, Mohali.

(2) Allegations are that petitioner in connivance with co-accused used to purchase liquor on cheaper rates from Chandigarh and smuggle the

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same in various States, including Gujarat and Haryana through Canters/Trucks by using fake number plates.

(3) Learned Counsel contends that petitioner was granted interim bail by the Coordinate Bench, vide order dated 18.06.2024 and in pursuance thereof, he has already joined investigation. Further contends that petitioner is the registered owner of the Canter bearing registration No.HP-63-B-8905; but the same was leased out to one Mandeep Singh vide Agreement dated 03.08.2023 (P-2) and which has been duly verified by the police; hence, custodial interrogation of the petitioner is not required.

(4) *Per contra*, Learned State Counsel, on instructions, while opposing the prayer, submits that petitioner is the registered owner of the Canter bearing registration No.HP-63-B-8905, which was used for smuggle of the liquor. Also contends that allegations against the petitioner are serious in nature; thus, he does not deserve the concession of bail.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) It transpires that petitioner was granted interim bail by the Coordinate Bench, vide order dated 18.06.2024 and the same reads as under:-

“Learned State counsel submits that agreement (Annexure P-2) was duly verified, which was notarized. The petitioner has given the canter/truck on lease to Mandeep Singh.

Adjourned to 23.07.2024.

In the meantime, petitioner is directed to join investigation as and when called by SHO/Investigating Officer and in the

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event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

- (i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;*
- (ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioner shall not leave the country without prior permission of the Court concerned.*

Status report be filed on or before the next date of hearing with an advance copy to the counsel opposite.”

(7) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation. It has also come on record that although, petitioner is the registered owner of the Canter bearing registration No.HP-63-B-8905; but the same was leased out to one Mandeep Singh while executing an Agreement dated 03.08.2023 (P-2) between both the parties i.e. petitioner as well as Mandeep Singh. Learned State Counsel, on instructions, is not able to dispute that during investigation, aforesaid Agreement has been verified as genuine.

(8) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition

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is allowed; interim order dated 18.06.2024 is made absolute subject to the conditions as envisaged under Section 438 Cr.P.C.

(9) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(10) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(11) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

20th January, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes