

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

**CRM No.M-35978 of 2016 (O&M)
Date of Decision: 06.02.2017**

Hanif ... Petitioner

Versus

State of Haryana ... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Vishal Yadav, Advocate for the petitioner.

Mr. C.S. Bakhshi, Additional Advocate General, Haryana.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.237, dated 22.04.2016, under Sections 420/120-B IPC and Sections 7/10/55 Essential Commodities Act, registered at Police Station Sadar Palwal.

While issuing notice of motion, the following order was passed by this Court on 06.10.2016:

“Learned counsel for the petitioner states that name of the petitioner does not figure in the FIR and he has been named in the case only on the disclosure statement of co-accused. He further states that even offence under Section 7/10 of the Essential Commodities Act, 1955 is bailable.

Notice of motion for 14.12.2016.

In the meantime, in the event of arrest of the petitioner, he shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Dharampal would apprise the Court that the petitioner has since joined investigation.

That apart, it may be noticed that the petitioner is sought to be implicated in the present case on the ground that he had rented out a shed/premises and had got into an arrangement with the driver of the offending vehicle, namely, Gian Singh and furnace oil which was to be transported from Mathura to Sikanderabad used to be siphoned out and thereafter illegally processed in the premises of the petitioner.

Co-accused, Gian singh, who was the driver of the vehicle and was stated to have been nabbed on the spot has already been granted concession of pre-arrest bail.

Petitioner having joined investigation and against the backdrop of the allegations contained in the FIR, his custodial interrogation, as such, would not be warranted.

In view of the above, the present petition is allowed. Order dated 06.10.2016 passed by this Court is made absolute.

Disposed of.

06.02.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |