

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

**CRM-M-29870-2018
Date of decision: 09.10.2018**

Pawan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ruhani Chandha, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 256 dated 14.06.2018, under Sections 61/1/14 of Excise Act and Sections 420 & 120-B IPC, registered at Police Station Kurukshetra.

The operative part of the order dated 19.07.2018, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that the FIR was registered on the basis of a secret information that the petitioner is a wine contractor and has obtained a sub-vend of M/s Dharam Pal and Company and has stored illegal liquor for transporting the same to other states. It is further submitted that only allegation in the FIR is that when the raid was conducted on the godown, no bill could be produced. Counsel for the petitioner further submits that in fact the liability to pay the tax/excise duty is of the company and the petitioner was only managing a sub-vend. Learned counsel for the petitioner has further submitted that while invoking the provisions of Section 420 IPC, it is stated in the FIR that the petitioner has

committed a fraud with the Govt. by not paying the tax. It is further submitted that in fact it will be a debatable issue whether the allegation under Section 420 IPC is made out or not and it will be a case of imposition of penalty for not depositing the excise duty. It is also submitted that the petitioner was not found present at the spot and the alleged recovery/sealing of the liquor has already been effected.

Notice of motion for 09.10.2018. ”

Learned counsel for the petitioners submits that the petitioner, in pursuance to the order dated 19.07.2018, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Jagpal, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 19.07.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

October 09, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No