

Sr. No.221

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

CRM No. M-8866 of 2018 (O&M)

Date of Decision: 16.04.2018

Raghveer Singh

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Rahul Deswal, Advocate,
for the petitioner.

Mr. Ashish Yadav, Additional A.G., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of pre arrest bail to the petitioner in case FIR No.40 dated 30.01.2018, under Section 61, 1, 14 of Punjab Excise Act, 1914 and Sections 420, 467, 468, 471, 473 IPC, registered at Police Station Thanesar Sadar, District Kurukshetra.

While issuing notice of motion, the following order was passed by this Court on 01.03.2018:-

“The instant petition has been filed under Section 438 Cr.P.C seeking the concession of pre-arrest bail to the petitioner in case FIR No.40 dated 30.1.2018 under section 61 of Punjab Excise Act (sections 1, 14 of Punjab Excise Act were added later on) and sections 420, 467, 468, 471, 473 I.P.C, registered at Police Station, Thanesar Sadar, District Kurukshetra.

As per prosecution version, a truck was intercepted on 30.1.2018 upon secret information having been received and thereupon heavy recovery of illicit liquor was effected. Furthermore, the truck in question is stated to be affixed with false registration plates and even the bills/bilties furnished by the driver were stated to be forged.

It is the contention raised by counsel that the petitioner was not apprehended on the spot and as such, no recovery had been effected from him. Furthermore, the offending vehicle is not in the ownership of the petitioner. Present petitioner is sought to be implicated only on the disclosure statement of co-accused Makhan Singh i.e. driver of the vehicle and who was apprehended on the spot.

Notice of motion, returnable for 16.4.2018.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

State counsel upon instructions from ASI Prem Chand informs the Court that the petitioner has since joined investigation.

That apart observations contained in the notice of motion order have gone unrebutted.

In view of the above, custodial interrogation of the petitioner would not be warranted.

Petition is allowed.

Order dated 01.03.2018, passed by this Court is made

absolute.

Disposed of.

16.04.2018

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No