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

CRM-M-21165 of 2019

Date of decision: July 25, 2019

Amit Garg

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Tushar Gautam, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioner, in FIR No.341 dated 20.04.2017, under Sections 61/1 of Excise Act, 1914 and Sections 120-B, 420 of Indian Penal Code, 1860, registered at Police Station Camp Palwal, District Palwal.

As per prosecution case, petitioner has been implicated on the basis of disclosure statement of his co-accused.

On 09.05.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that the alleged contraband has already been recovered from the co-accused, namely Sanjeet and Manish. Further contends that there is no other criminal case pending against the petitioner and he is ready to join investigation.

Notice of motion returnable on 25.07.2019.

In the meanwhile, the petitioner is directed to join

investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.

In case, the above assertions made on behalf of the petitioner are found to be incorrect, then this petition would be liable to be dismissed with exemplary costs.”

Learned State counsel, on instructions from Head Constable Abhishek, has submitted that petitioner has joined investigation in terms of order dated 09.05.2019 and his custodial interrogation is not required.

In view of the above, order dated 09.05.2019 granting interim bail to the petitioner, is made absolute, subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

July 25, 2019
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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No