

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

**CRM-M No.48808 of 2018 (O&M)
Date of Decision: 08.05.2019**

Ashok Sharma

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Lekh Raj Nandal, Advocate for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.483 dated 04.09.2018, under Sections 279, 336, 186, 353, 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 and Sections 61/1/14 of the Excise Act, 1914, registered at Police Station Dharuhera, District Rewari.

This Court, while issuing notice of motion on 02.11.2018, passed the following order:-

“ Contends that the petitioner is only owner of the truck and the recovery of the alleged contraband liquor has already been effected from driver of the truck namely Davender Dahiya as well as Cleaner Ramesh.

Notice of motion for 21.01.2019.

In the meanwhile, the petitioner is directed to join the 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) Cr.P.C. ”

 Contents that in terms of above order, petitioner has joined the investigation and his custodial interrogation is no longer required.

 The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from ASI Pardeep. Although, he has submitted that petitioner is facing other criminal cases of similar nature.

 Be that as it may, petitioner has joined the investigation in this case, therefore, interim order dated 02.11.2018 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C. However, petitioner is burdened with costs of ₹ 50,000/- to be deposited with the Headmaster of Govt. School, Village Titoli, Tehsil & District Rohtak and the same shall be utilized for the construction of Toilet for girl students as well as for purchasing the Text-Books and Stationery Items for the deserving students, as a deterrent so that he may not commit recurrence.

 Accordingly, the present petition is disposed off.

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

May 08, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes