

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

218

CRM-M-30439-2019

DATE OF DECISION: 07.11.2019

DEEPAK

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Susheel Gautam, Advocate for the petitioner(s).

Mr. D.R. Singla, DAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.1672 dated 27.12.2018, under Sections 279, 336, 406, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860; besides, Section 61 of the Punjab Excise Act, 1914, registered at Police Station City Panipat, District Panipat.

Learned counsel for the petitioner contends that the petitioner has been arraigned as an accused on the disclosure statement of co-accused Shamsheer, who was the driver of the canter from which 500 boxes (of quarter bottle) and 200 boxes (of full bottle) of Royal General Reserve Whisky were recovered. The petitioner is neither owner of the canter nor has any connection with the driver of the vehicle. He further contends that there is no independent witness to the recovery. The petitioner was not involved in any other case under the Excise Act but on the same day when this FIR was registered, he had also been falsely implicated in another case. There is no other prima facie evidence to connect the petitioner with the commission of offence.

This Court, by the order dated 25.09.2019, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, upon instructions from ASI Rajbir Singh, states that although the petitioner has joined investigation but his custodial interrogation would be required as the driver has disclosed that this liquor was meant for the petitioner.

In view of the submissions of the learned counsel for the petitioner and the petitioner having joined investigation, the order dated 25.09.2019 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

07.11.2019.

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No