

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41189-2019 (O&M)
Date of decision: 30.10.2019

Naresh Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.222 dated 25.05.2019 under Sections 420, 467, 468, 471, 120-B IPC and Section 61 (1) of Punjab Excise Act, 1914, registered at Police Station Sadar Thanesar, District Kurukshetra.

While granting interim bail to the petitioner, following order was passed by this Court on 25.09.2019: -

“...Learned senior counsel for the petitioner submits that the petitioner was neither named in the FIR nor was arrested at the spot. It is further submitted that liquor has already been recovered and the petitioner was later on nominated on the disclosure statement of co-accused Sanjay Kumar...”

Learned senior counsel for the petitioner submits that the petitioner was not present at the spot and he has been nominated on the basis of confession made by co-accused that he has prepared the documents, whereas the documents were recovered from the possession of co-accused, who were arrested at the spot. It is further argued that recovery has already been effected and in pursuance of the aforesaid order, petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from ASI Prem Chand, has stated that though the petitioner has joined the investigation, however, he has not given the details of the documents, which were recovered from the co-accused, when they were arrested.

Without commenting anything on merits of the case, considering the fact that recovery has already been effected from the co-accused and it is a matter of trial who has prepared the documents, this petition is allowed and the interim bail granted to the petitioner vide order dated 25.09.2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

However, it is made clear that if the petitioner is required for further investigation, it will be open for the Investigating Officer to issue a notice in writing to join him in the investigation.

[ARVIND SINGH SANGWAN]
JUDGE

30.10.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No