

CRM-M-5574-2020

Date of decision: 23.09.2020

Vikram Singh

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Rakesh Nehra, Advocate
for the petitioner.Mr. B.S. Virk, DAG, Haryana
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The petitioner-Vikram Singh has sought this first anticipatory bail application under Section 438 Cr.P.C. in a case bearing FIR No.861 dated 14.12.2018 under Sections 420, 467 and 471 of the Indian Penal Code and Section 61 of the Punjab Excise Act registered at Police Station Sampla, District Rohtak.

Heard counsel for the both sides and perused the records.

The only allegations against the petitioner is that a parked

truck bearing No. HR-55N-3166 was recovered by the police from which huge quantity of Indian made foreign liquor (in all numbering 3206 cartons) which was supposed to be for sale in the State of Arunachal Pradesh, it was being sold in the State of Haryana. The offence against the petitioner is that he had taken the said truck from which the liquor was recovered on rent from the original owner.

Admittedly, the recovery has already been effected and the document placed on the record, through email, by the State counsel rather reflects it to be an affidavit dated 07.07.2019 of the petitioner when the occurrence has already taken place much prior thereto on 14.12.2018 is in itself a sufficient indicator, the purpose for which this document has been given effect to.

In view of such serious remises and the conceded stand of the learned State counsel that there is no other evidence to connect the petitioner with the offence, impels this Court to allow the present petition.

Accordingly, the petitioner is directed to appear before the investigating officer/Magistrate within a period of 15 days from the date of receipt of certified copy of this order and on his doing so, he shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, he

will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The present petition stands disposed off accordingly.

23.09.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No