

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

CRM-M No.13146 of 2020
Date of decision: 28th May, 2020

Kapil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sandeep Gahlawat, Advocate for the petitioner.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana puts in appearance on behalf of the State on his own.

Petitioner Kapil has moved this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.0861 dated 14.12.2018 under Sections 420, 467, 471 IPC and Section 61 of the Punjab Excise Act, 1914 pertaining to Police Station Sampla, District Rohtak.

The brief allegations are that on the basis of secret information received by the police, a raid was got conducted on 14.12.2018 at a godown from which a truck bearing registration No.HR-55-N-3166 was found parked and was loaded with liquor boxes and from the truck one Bittu Singh co-accused non-applicant was apprehended.

The liquor recovered comprised of 3206 boxes. It is on the basis of statement of the person apprehended, the present petitioner was roped in for being a tenant in the godown.

Learned counsel for the petitioner Mr. Sandeep Gahlawat, Advocate inter alia contends that there is no evidence to link the petitioner with commission of the offence and the recovery has already been effected.

On behalf of the State, Mr. Baljinder S. Virk, Dy. Advocate General, Haryana has not controverted the facts brought before this Court but has stoutly opposed the grant of bail on the grounds of heavy recovery having been effected and the premises being under tenancy of the petitioner who is also facing 2/3 other similar criminal cases.

Going through the submissions of the two sides, it is fairly conceded at the bar by learned State counsel that there is no documentary evidence to show that the petitioner Kapil is a tenant in the premises from which the recovery has been effected. The petitioner is neither named in the FIR nor there is any concrete cogent evidence to link him with the commission of the offence. Culpability, if any, shall be determined at the trial which is not likely to conclude in the near future. Thus, this Court is of the opinion that it would be a travesty of justice to send the petitioner in custody in the present case and his joining the investigations would suffice the purpose. Accordingly, the petitioner is directed to appear before the investigating officer 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 petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 28, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No