

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

Crl. Misc. M-20302 of 2020
Date of decision: 28.08.2020

203

Parveen @ Pangal

....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. P.R. Yadav, Advocate,
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks anticipatory bail in a petition filed under Section 438 Cr.P.C. in FIR No. 418 dated 17.12.2019 under Sections 420/467/468/417/120-B/34 IPC and Section 61 of Punjab Excise Act, 1914 P.S. Khol, District Rewari.

It had been contended by counsel for the petitioner that the petitioner has been involved on the basis of the statement of the co-accused Mohit, who was arrested at the spot. It was his contention that the petitioner has nothing to do with the running of the liquor vend.

The same had been opposed by counsel for the State that there were large number of cases against the petitioner and he was an habitual offender. Opportunity was given to the State to place on record necessary material as to whether the petitioner was as such associated with the liquor vend, Siha wherein, allegedly misbranding was taking place and labels were put on bottles.

The status report by way of affidavit as such had been filed on 29.07.2020 by Sh. Amit Bhatia, HPS, DSP, District Rewari. Resultantly, the following order was passed on 31.07.2020:-

“Status report, by way of affidavit of Shri Amit Bhatia, H.P.S., Deputy Superintendent of Police, District Rewari, has been filed. In the said report, it has not been mentioned that the petitioner was associated with the liquor vend at Siha, which query has been raised on 24.07.2020. However, it has been mentioned in para No.6 that there are 8 FIRs pending against the petitioner.

Counsel for the petitioner submits that apart from FIR No.50 dated 01.02.2020, which has been registered after the present FIR in question, the petitioner has been acquitted in rest of the cases. It is, thus, submitted that the petitioner has nothing to do with running of the liquor vend and was involved on the statement made by co-accused who was arrested at the spot.

In such circumstances, the benefit of interim bail is granted to the petitioner, who shall join investigation and in the event of his arrest, he shall be released on interim anticipatory bail by the investigating officer. He shall join investigation as and when required and shall comply with the conditions laid down in Section 438(2) Cr.P.C.

List on 28.08.2020.

Let affidavit be also submitted by the petitioner regarding his acquittal in the said cases and a counter-affidavit be filed by the State, by the same officer that the petitioner stands acquitted in the said cases.”

In the affidavit filed now by the same officer dated 25.08.2020, the factum of the seven other cases has been mentioned. Out of the said

seven cases, the petitioner stands acquitted in five cases. The conviction has been recorded vide judgment dated 24.08.2013 under Section 174-A IPC at P.S. Kosli and, therefore, is in no way connected to the offence as such, which the petitioner has now been accused of.

Regarding FIR No. 156 dated 03.08.2017 registered under Sections 323, 506, 34 IPC and under Sections 25, 24 and 59 of the Arms Act, it has been averred that the matter is under trial. Counsel for the petitioner, however, submitted that the said FIR stands quashed in Crl. Misc. M-37411 of 2017 on 26.02.2018.

In such circumstances, it is not the case of the prosecution that the petitioner has been involved in similar cases of cheating as such.

Resultantly, this Court is of the opinion that the order dated 31.07.2020 is liable to be confirmed since it is the admitted case by the State that the petitioner has joined investigation.

Accordingly, the order dated 31.07.2020 is confirmed and the petition stands disposed of.

28.08.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No