

CRM-M-20603-2020(O&M)

Date of decision : 30.09.2020

Sardool

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Arpandeep Narula, Advocate for the petitioner.

Mr.Rajat Gautam, DAG, Haryana.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in FIR No. 154 dated 17.07.2020, registered under Section 61 of the Punjab Excise Act at Police Station, Nathu Sarai Chopta, District Sirsa.

While issuing notice of motion the following order was passed by this Court on 28.07.2020:-

“Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner seeks concession by of pre-arrest bail in FIR No.154 dated 17.7.2020 registered under Section 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) at Police Station, Nathu Sarai Chopta, District Sirsa.

Counsel submits that as per prosecution version, a police party acting on secret information has recovered 20 boxes containing 12 bottles of country made liquor in each box. The present petitioner is alleged to have fled away from the spot but was identified by the Chowkidar of the village while running away.

Counsel contends that it is a case of false implication. The parcel of land from where the alleged recovery has been made is not under the ownership of the petitioner. Petitioner is not involved in any other case under the Excise Act.

Notice of motion, returnable for 30.9.2020.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, upon instructions from SI Bhup singh, informs the Court that the petitioner has since joined investigation and is not required for custodial interrogation.

In view of the above, petition is allowed. Order dated 28.07.2020 passed by this Court is made absolute.

(TEJINDER SINGH DHINDSA)
JUDGE

30.09.2020
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No