

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

CRM-M-33785-2020 (O&M)
Date of Decision: 07.12.2020

HARPREET SINGH

....Petitioner

VS

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Goyal, Advocate for the petitioner.
Mr. Kanwar Sanjeev Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.299 dated 21.08.2020, under Section 61 of Excise Act, 1914, registered at Police Station, City, Mandi Dabwali, District Sirsa. The petitioner apprehended his arrest at the hands of police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 03.11.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No. 299, dated 21.08.2020, registered under Section 61 of the Excise Act, 1914, at Police Station City, Mandi Dabwali, District Sirsa.

As per the case of the prosecution, 50 litres of *lahan* (raw material for illicitly distilling country made liquor), was recovered from the backyard of the petitioner's house.

Learned counsel for the petitioner, while drawing

the attention of the Court to the order dated 09.10.2020 (Annexure P2), has submitted that the petitioner is being falsely implicated at the behest of his wife, who has also got another FIR registered against him i.e., FIR No. 40, dated 21.08.2020, registered under Section 323, 343, 354, 354-B, 354-D, 377, 451, 511 & 120-B IPC, at Women Police Station, Dabwali. He further contends that the petitioner is being falsely implicated because the sister-in-law of the petitioner's wife, is a local leader of Jannayak Janta Party, which is one of the ruling party in the State of Haryana. Learned counsel contends that there is no allegations of recovery of instruments or distillation plant which could be used for distilling the illicit liquor.

Mr. Rajat Gautam, Deputy Advocate General, Haryana, who appears for the State of Haryana, is unable to controvert the aforesaid position.

Notice of motion.

On the request of the Court, Mr. Rajat Gautam, Deputy Advocate General, Haryana accepts notice on behalf of the respondent and prays for time to seek instructions.

Keeping in view the aforesaid facts, it is considered appropriate that let the petitioner join investigation. In the event of arrest of the petitioner, he shall be released on interim pre-arrest bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from HC Rajpal Singh, further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 03.11.2020 is made absolute.

07.12.2020
Sonia

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No