

CRM-M-3096-2021

Date of Decision: 14.09.2021

Sandeep

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Balraj Singh Rathee, Advocate, for the petitioner.

Mr. Munish Sharma, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR No. 404, having been registered at Police Station Sadar, District Rohtak, on 11.10.2020, alleging therein the commission of offences punishable under the provisions of Sections 273/285/411/420/467/468/471/120-B of the IPC, Sections 16 and 17 of the Bonded Labour System (Abolition) Act, 1976 and Sections 61/1/14 of the Punjab Excise Act, 1914 (with Sections 16 and 17 of the Bonded Labour System Act, 1976 having been deleted later).

On 22.01.2021, the following order had been passed by this court:-

“Case taken up through video conferencing.

It is contended by learned counsel for the petitioner that the petitioner is not named in the FIR and he was nominated in the disclosure statement of a co-accused. Furthermore, no recovery is to be effected from him and he is ready and willing to join the investigation.

Notice of motion.

Mr. Tanuj Sharma, DAG, Haryana, accepts notice on behalf of the respondent-State.

I find it proper and appropriate to grant interim bail to the petitioner directing him to join the investigation within 07 days from today and render all sort of cooperation. The petitioner is to surrender his passport before the Investigating Officer, if he has got one, otherwise to furnish affidavit in that regard. If, in the meanwhile, he is arrested, he be released on bail to the satisfaction of the Investigating Officer/Arresting Officer.

List on 04.03.2021.”

Thereafter, on 04.03.2021, the following order had been passed:-

“Learned counsel for the petitioner states that petitioner has since joined the investigation and has been released on interim bail. While conceding this fact on instructions from Inspector Shamsher Singh, learned State counsel submits that custodial interrogation of the petitioner is necessary and he wants to file detailed reply to the petition. He seeks some time for that.

Allowed. Adjourned to 8.4.2021. In the meanwhile, if it is found that it is necessary to join the petitioner with the investigation again he may be summoned by the investigating officer and he would be bound to appear before him on date and time for which he is summoned.

Interim order to continue till then.”

A reply to the petition has been filed by the Deputy Superintendent of Police, Rohtak, dated 02.04.2021, from which learned State counsel specifically points to that part of paragraph 6 wherein it is stated that though the petitioner joined investigation on 28.01.2021 and 30.03.2021, he has

not cooperated, inasmuch as he has not got affected recovery of the vehicle in which he used to bring the spirit and therefore his custodial interrogation is very much required.

Learned counsel for the petitioner, on the other hand, submits that the petitioner has only been arraigned as an accused on an alleged disclosure statement made in police custody, to the effect that he used to supply illicit liquor, with him further submitting that he is Sandeep son of Attar Singh who is different to the Sandeep who is alleged to have been apprehended at the '*Dhaba*', along with his brother Kuldeep, sons of Zile Singh.

He next submits that the petitioner in fact owns no vehicle so the question of him getting recovered any vehicle does not arise.

Whereas of course that statement at face value cannot be accepted, yet, upon query to learned State counsel, he submits that as per his instructions there is no other criminal case registered against the petitioner.

That being so, and the allegation against the petitioner being only on an alleged disclosure statement made in police custody, without making any comment on the actual merits of the case, the petition is allowed, with the order passed on 22.01.2021 made absolute, on the same terms and conditions.

September 14, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.