

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-3371-2021 (O&M)
Date of Decision:- 31.8.2021

Anuj Kumar

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Raman Chawla, Advocate,
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Jai Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 482 dated 17.07.2020 at Police Station Sadar Hisar, District Hisar, under Section 61/1/14 of the Excise Act.
2. At the time of issuance of interim directions on 25.1.2021 the following order was passed:

“The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.482 dated 17.07.2020 at Police Station Sadar

Hisar, District Hisar, under Section 61/1/14 of the Excise Act.

It is the case of the prosecution that during the course of patrolling, the police signalled a vehicle to stop and that while the driver of the said vehicle managed to escape, the passenger sitting in the said car was apprehended, who disclosed his name as Dilawar. The search of the vehicle led to the recovery of 14 boxes of country-made liquor containing a total of 168 bottles for which the aforesaid Dilawar could not produce any license or permit. It is further the case of prosecution that the aforesaid Dilawar disclosed the name of the driver, who had run away as Anuj.

It has been submitted that the petitioner has falsely been implicated in the instant case on the basis of a disclosure statement, which would hardly carry any evidentiary value.

Notice of motion for 11.5.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel has informed that pursuant to the interim directions issued by this Court, the petitioner has joined investigation and that he is not involved in any other case.

4. Admittedly, it is a case where the petitioner was never arrested at the spot and has been nominated by the co-accused subsequently in a disclosure statement. The veracity and admissibility of disclosure statement would certainly be debatable. In any case, since the petitioner has joined investigation and is not wanted in any other case, custodial interrogation of the petitioner is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 25.1.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

31.8.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No