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

CRM-M-6591-2021 (O&M)
Date of Decision:- 18.11.2021

Anil @ Nanha @ Rubia .... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashok Kumar Sharma (Bhana), Advocate,
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by HC Lakhwinder.

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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.16 dated 21.1.2021 at Police Station Julana, District Jind under Section 61 of Punjab Excise Act, 1914.

2. At the time of issuance of notice of motion on 11.2.2021 the following order was passed:

> "The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.16 dated 21.1.2021 at Police

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Station Julana, District Jind under Section 61 of Punjab Excise Act, 1914.

It is the case of prosecution that a secret information was received by the police to the effect that Anil @ Nanha @ Rubia was selling liquor from his plot without any permit. Pursuant to receipt of said information a raid was conducted at the nominated place but the petitioner could not be apprehended as he is alleged to have escaped taking benefit of darkness. It is further the case of prosecution that 34 bottles of English liquor were, however, recovered from the said premises.

Learned counsel for the petitioner has submitted that the petitioner was never ever arrested at the spot and has been falsely implicated in the present case.

Notice of motion for 28.4.2021.

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 Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C."

3. Learned State counsel, upon instructions from HC Lakhwinder has informed that pursuant to interim directions, the petitioner has joined investigation and is not required for any custodial interrogation. It has however, been informed that the petitioner is involved in 5 other cases but none under the Excise Act.

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4. In view of the aforestated position especially the fact that the petitioner has already joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 11.2.2021 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.

18.11.2021 **(GURVINDER SINGH GILL)**
Mohan **JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No

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