

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 206

Case No. : CRM-M No.19494 of 2021

Date of Decision : August 04, 2021

Surinder Kataria @ Surender Petitioner

vs.

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE H. S. MADAAN

* * *

Present : Mr. Bipan Ghai, Senior Advocate
with Mr. Anter Singh Brar, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

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H. S. MADAAN, J. (Oral) :

Case taken up through video conferencing.

Learned counsel for the petitioner has contended that the petitioner has since joined the investigation and has been admitted to interim bail. No recovery is to be effected from him. According to him, the petitioner was a newly promoted Excise Inspector and was posted in the office of Deputy Excise & Taxation Commissioner (Excise), Panchkula for the purpose of imparting training for a period of four months and he had accordingly joined that office on 02.03.2020. As per the schedule of training, he was attached to a Bottling plant of M/s. Flyover Distillery & Bottlers Pvt. Ltd., Panchkula from 03.03.2020 to 02.04.2020 since the regular Excise Inspector was on leave and Sonu Yadav was on duty there. As such, the petitioner could not possibly be entrusted with the keys, at the time when the main accused Rahul Gupta, who as per prosecution story, by using the said keys, had opened locks from the drums and got prepared and sold liquor during the lock-down period. Learned counsel for the petitioner has further stated that the Rahul Gupta has since been arrested.

Learned State counsel, on instructions from SI Dharamvir, has conceded the factum of petitioner having joined the investigation, further stating that since no recovery is to be effected from him, his custodial interrogation is not required.

Under the circumstances, the interim bail granted to the petitioner, vide order dated 28.05.2021 is made absolute, subject to the following conditions:-

1. *that the petitioner shall make himself available for investigation by a Police Officer as and when required;*
2. *that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer;*
3. *that he shall not leave India without prior permission of the Court; and*
4. *that he shall surrender his passport before the Investigating Officer and if he is not having passport, then, shall file the affidavit in that regard.*

In case, the petitioner violates any terms & conditions, on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

Accordingly, the present petition is allowed.

August 04, 2021

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**(H. S. MADAAN)
JUDGE**

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>