

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM-M-21393-2021

Date of decision: 22.09.2021

Maninder Singh and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Pratham Sethi, Advocate for the petitioners.

Mr. Gurmeet Singh, AAG, Haryana.

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

While granting interim protection to the petitioner, this Court passed the following order on 28.05.2021:-

“The Court has been convened through video conferencing due to Covid-19 Pandemic.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No. 0170 dated 13.05.2021 under Sections 188 and 120-B of the Indian Penal Code, 1860, Section 51 of the Disaster Management Act, 2005 and Section 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), registered at Police Station S.G.M. Nagar (Sanjay Gandhi Memorial Nagar), District Faridabad (Annexure P-1).

Learned senior counsel has submitted that petitioner No. 1 possesses a retail zone license (Annexure P-3) for sale of CL and IMFL for consumption off the premises, Registered under District Faridabad Zone No. ZFBD15. By making a reference to the communication addressed by DETC (Excise), Faridabad to the Collector-cum-JETC dated 13.05.2021 (Annexure P-5), counsel urges that a local police party headed by a Sub Inspector checked the liquor vend and took him into possession the stock of the liquor without waiting for the arrival of the Excise Team and violated clause No. 12.17 of the Haryana Excise Policy for the year 2020-21. Counsel submits that petitioner No.1 filed a complaint against the Sub-Inspector, who was transferred vide order dated 21.05.2021 (Annexure P-8). Counsel has instructions to submit that the petitioners are ready to join the investigation and cooperate with the investigating agency.

Notice of motion.

On asking of the Court, Mr. Bhupender Singh, DAG, Haryana has (sic) accepts notice on behalf of respondent-State. He submits that the allegation against the petitioner is of selling liquor from the rear door of the vend in violation of the Covid restrictions.

List on 22.09.2021.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. They shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned State counsel, upon instructions, from Inspector Satish Kumar submits that the petitioners have joined the investigation and they are no longer required for custodial interrogation, though in a subsequent FIR bearing No.172 dated 13.05.2021 lodged under Sections 186, 188, 506 and 51-B of the Disaster Management Act, 2005, the petitioner No.1 has been named as an accused.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed. Order dated 28.05.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

22.09.2021
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No