

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

202

CRM-M-24120 of 2021

Date of decision:16.9.2021

Parveen Kumar

... Petitioner

versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Rajesh Dhankhar, Advocate,
for the petitioner
Mr.Neeraj Poswal, AAG, Haryana
...

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conferencing.

On 28.6.2021, the following order had been passed by this
court:-

“Case heard by way of video conferencing.

*By this petition, filed under the provisions of
Section 438 of the Cr.P.C, the petitioner seeks the concession of
anticipatory bail, upon FIR no.302, dated 17.05.2021, having
been registered at Police Station Rai, District Sonipat, alleging
therein the commission of offences punishable under Sections
188, 269, 270, 420, 465, 467, 468, 471 of the IPC and Sections
61-4-20 of the Punjab Excise Act, 1914 (Haryana Amendment
Bill, 2020) and Section 51(b) of the Disaster Management Act,
2005.*

Learned counsel for the petitioner submits that nobody having been named in the FIR, the petitioner has been roped in as an accused on the alleged disclosure statement made by a co-accused in custody and that the truck from which the liquor is alleged to have been recovered, does not belong to the petitioner.

Notice of motion is issued to the respondent-State, with Mr. Munish Sharma, learned AAG, Haryana, accepting notice at the asking of the court.

Upon query, he submits that as per his instructions received from Sub-Inspector Ranbir Singh, the truck does not belong to the petitioner.

Adjourned to 02.08.2021.

Without making any comment on the actual merits of the case, the petitioner is directed to join investigation within a week and upon his doing so, in case he is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaq Magistrate. He shall abide by the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Illaq Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.”

Thereafter a detailed reply, dated 1.9.2021, has been filed on behalf of the respondent-State by the DSP, Sonipat.

After going through the contents thereof, especially paragraphs 3 to 5 (with paragraph 5 giving therein the role of the petitioner), I would see no reason to entertain this petition any further, even though learned counsel for the petitioner very vehemently argues that the only allegation against the petitioner is on the basis of a disclosure statement allegedly made in police custody by a co-accused.

The contents of the reply have not been reproduced in this order for the reason that if this court makes any comment on the merits of what has been stated in the reply, it may possibly affect the merits of the defence of the petitioner.

Yet, looking at the detailed contents of the reply, this petition is dismissed, with the interim order vacated.

However, nothing stated in this order or in the previous orders passed would affect the merits of the case, which would 'go' as per evidence gathered during investigation conducted and the evidence led before the trial court in the trial (if it comes to that stage).

16.9.2021
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No