

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(210)

CRM-M-27462-2021
Date of decision:- 02.11.2021

Pardeep Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Kuldeep Tiwari, Addl. Advocate General, Haryana.

...

SUVIR SEHGAL, J. (Oral)

While granting interim protection to the petitioner, this Court passed the following order on 23.07.2021:-

“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.28 dated 17.02.2021 under Sections 420 and 120-B of the Indian Penal Code, 1860 and Section 61 of The Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), registered at Police Station Sadar Bahadurgarh, District Jhajjar.

Counsel for the petitioner has contended that the recovery of country made liquor was effected from Sachin and Sandeep (who was arrested at the spot) and on their disclosure statement, co-accused-Joginder was arrested, who in turn named the petitioner as the

supplier of 71 boxes. Counsel contends that the disclosure statement made by co-accused in police custody is in-admissible in evidence. He has referred to para 14 of the petition to submit that the petitioner was named as accused in two other cases in which he has been acquitted and he is on bail in the 3rd case, which has been registered against him. He submits that the petitioner possesses a L-13 license, i.e., a wholesale license for vend of country spirit under The Excise Act. He submits that the entire recovery has been effected and the petitioner is willing to join the investigation and cooperate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Kuldeep Tiwari, Addl. Advocate General, Haryana accepts notice on behalf of respondent-State.

List on 02.11.2021.

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

Learned State counsel, upon instructions, from ASI, Manoj submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation. As per his instructions, a case registered under the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) is pending against the petitioner besides the present case.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed. Order dated 23.07.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

The petitioner shall furnish an undertaking with the Investigation Officer/trial Court to the effect that he shall not get involved in any other criminal activity. In case, the petitioner violates the undertaking, it shall be open for the prosecution to seek cancellation of the bail.

02.11.2021
Kamal

(SUVIR SEHGAL)
JUDGE

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