

CRM-M-27836-2021

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(201)

CRM-M-27836-2021.
Date of Decision:-06.10.2021.

Dinesh Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Parveen Sharma, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a first petition under Section 438 of the Code of Criminal Procedure, 1973, for grant of pre-arrest bail to the petitioner in case FIR No.83 dated 20.02.2021 (Annexure P-1), registered under Section 120-B of IPC and Sections 61/1/14 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) and Sections 420, 467, 468 and 471 of IPC (added later on), at Police Station Rai, District Sonapat.

On 02.08.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Case taken up through video conferencing.

*Reply filed on behalf of the State be taken on
record.*

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Learned counsel for the petitioner states that petitioner is ready and willing to join the investigation and render full cooperation therein and he be given an opportunity to do so.

Learned State counsel states that in terms of the reply, the petitioner is not involved in any other criminal case, therefore, he be directed to join the investigation.

Under the circumstances, the petitioner is directed to join the investigation within 07 days from today and render all sort of cooperation. The petitioner is to surrender his passport before the Investigating Officer, if he has got one, otherwise to furnish affidavit in that regard. If, in the meanwhile, he is arrested, he be released on bail to the satisfaction of the Investigating Officer/Arresting Officer.

List on 06.10.2021.”

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation. It is further submitted by the learned counsel for the petitioner that in the present case, the liquor in question is not illicit liquor.

Learned State counsel, on instructions from SI Naresh Kumar, has submitted that the petitioner has joined the investigation on 04.08.2021.

This Court has heard the learned counsel for the parties.

Keeping in view the above facts and circumstances, moreso, the fact that the petitioner has joined the investigation and even the liquor

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recovered from the co-accused is not illicit liquor, the present anticipatory bail application is allowed and the interim order dated 02.08.2021 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

October 06, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No