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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(Through video conferencing)

CRM-M No.30347 of 2021

Date of Decision: 12.10.2021

NAND LAL BENIWAL

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.0162 dated 22.10.2020 registered under Section 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) (Sections 420, 120-B IPC added later on) at Police Station Jakhal, District Fatehabad.

On 02.08.2021, following order was passed by the Co-ordinate Bench of this Court:-

"The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.0162 dated 22.10.2020 at Police Station Jakhal, District Fatehabad, under Sections 61 of the Punjab Excise Act (Sections 420/120-B IPC added later on).

The FIR in question came to be lodged on the basis of a secret information to the effect that liquor was being sold in the rooms constructed on the road leading from Village Sadhanwas to Village Kalia Khurd in an illegal manner. Upon receipt of said information, a raid was conducted and two persons were seen at the spot. While one of them managed to escape, the other one was apprehended, who disclosed his name as Hemraj. Upon checking, 25 bottles, 09 half bottles & 16 quarters of country-made liquor; 28 bottles of beer, 10 bottles of Indian made foreign liquor were recovered and in respect of which Hemraj could not produce any permit or license. It is further the case of the prosecution that on interrogation, the said person disclosed the name of the other person, who had run away, as Santosh Kumar. During the course of investigation, it further surfaced that one Raghubir Singh had also joined hands with the aforesaid persons.

Learned counsel for the petitioner submits that he is nowhere named in the FIR and that his name came to be nominated on the basis of a disclosure statement made by Raghubir Singh, who himself had been nominated on the basis of disclosure statement of other co-accused. It has further been submitted that the aforesaid Raghubir Singh in any case had also approached this Court and had been granted interim anticipatory bail.

Notice of motion for 12.10.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

To be heard alongwith CRM-M-22699-2021.

(GURVINDER SINGH GILL)
JUDGE

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Learned counsel for the petitioner submits that in compliance of the aforesaid order, the petitioner has joined the investigation on 08.09.2021 to the entire satisfaction of the Investigating Officer.

Learned State counsel on instructions from ASI Ajmer Singh admits the aforesaid fact and submits that the petitioner is no more required for further investigation of the case.

In view statement made by learned State counsel, the interim order dated 02.08.2021 is made absolute. However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

October 12, 2021
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No