

207

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

CRM-M-30836-2021

Date of decision : 30.11.2021

Naresh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amardeep Sheoran, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.592 dated 12.11.2020 registered under Sections 120-B, 272, 420 of the Indian Penal Code, 1860 and Sections 63 and 65 of the Copyright Act, 1957 (Sections 467, 468, 471 of IPC have been added later on) at Police Station City Mahendergarh, District Mahendergarh.

On 06.08.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“CRM-23760-2021

Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the application under Section 482 Cr.P.C is for permission to amend the head note, prayer clause and Annexure P-1 along with vernacular for the FIR Number to read as FIR No. 592 dated 12.11.2020 registered under Section 272, 420 and 120-B IPC and Section 63 and 65 of

Copy Right Act to which Section 467, 468, 471 were added later on at Police Station City Mahendragarh, District Mahendragarh instead of FIR No. 492.

For the reasons as are mentioned in the application, the same is allowed. Registry is directed to make necessary corrections.

CRM-M-30836-2021

Learned counsel contends that the petitioner has been falsely implicated in the instant case solely on the basis of disclosure statement of co-accused Pardeep that it was the petitioner who used to deliver the illicit liquor for sale and that apart from the aforementioned disclosure statement, there is no other material to connect the petitioner with the commission of the offence.

Notice of motion.

Mr. Sandeep Singh Mann, Addl. AG, Haryana accepts notice on behalf of the respondent-State and seeks time to file reply.

List on 18.08.2021. ”

Thereafter, on 12.10.2021, the same very Coordinate Bench of this Court had passed the following order:-

“Learned State counsel states that apart from the disclosure statement, there is no other material to connect the petitioner with the commission of offence, therefore he may be directed to join investigation and co-operate in the same.

Learned counsel for the petitioner states that the petitioner would join investigation and fully co-operate in the same.

Adjourned to 17.11.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However,

in the event of arrest, the petitioner be released on ad-interim pre-arrest bail, subject to his furnishing bail/surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 12.10.2021, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from Inspector Mehar Singh, has submitted that the petitioner has joined the investigation on 24.11.2021 and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances, more so the facts which have been noticed in the abovesaid two orders and also the fact that the petitioner has joined the investigation and is not required for any further custodial interrogation, the present petition is allowed and the interim order dated 12.10.2021 is ordered to be made absolute.

However, nothing stated above shall be construed as an 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.

30.11.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No