

CRM-M-30613-2021

Date of Decision : 27.08.2021

Unnas

...Petitioner

versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Saleem Ahmed, Advocate for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No. 109 dated 26.04.2021, registered under Sections 61-04-20, 72F Punjab Excise Act 1914 and Section 120-B IPC at Police Station Sadar Tauru, District Nuh.
3. On 10.08.2021, the following order was passed:-

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

Learned counsel contends that the petitioner has been implicated in the instant case solely on the basis of disclosure statement of co-accused of having engaged them for transporting 6372 bottles of illicit liquor from Bulandshahar (UP) to Nuh, Haryana and that apart from the disclosure statement, there is no other material to connect the petitioner with the commission of the offence.

On 03.08.2021, learned Addl. AG, Haryana, while accepting notice had contended that the petitioner had not only escorted the vehicle carrying the illicit liquor from Bulandshahar (UP) to Nuh, Haryana, in his swift car but was also in constant touch with the co-accused on telephone and had requested for time to place material on record to show the complicity of the petitioner in the case. Today, learned DAG, Haryana, on the basis of reply filed, contends that apart from the disclosure statement of co-accused implicating the petitioner with the commission of the offence there is no other material to connect the petitioner with the commission of the offence. He, however, states that the petitioner be directed to join investigation.

Adjourned to 27.08.2021.

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.”

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from *ASI Karnail Singh* confirms that pursuant to the order of this Court dated 10.08.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

dated 10.08.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be read as an expression of opinion on the merits of the case.

6. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

27.08.2021

Renu-rajesh

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>