

CRM-M-31094-2021

Date of Decision : 28.09.2021

Manish @ Dhoni

...Petitioner

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Naveen Siwach, Advocate for the petitioner.
Mr. Gurbir Dhillon, AAG, 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.242 dated 06.07.2021, registered under Section 61, Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) at Police Station Agroha District Hisar.
3. On 13.09.2021, the following order was passed:-

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

Learned Counsel for the petitioner on the basis of reply contends that the petitioner is not the owner of the motorcycle which was abandoned by the person driving the motorcycle and was recovered from the site of incident and that the same in fact belongs to one Ravinder, who in turn had purchased it from one Sunil on the basis of vehicle transfer form and the motorcycle was not having any papers and had been

purchased by said Sunil from some financiers and the motorcycle in question was allegedly handed over by Ravinder to the petitioner for use but that there is no material with the Investigating Officer to show that the motorcycle in question was handed over by said Ravinder to the petitioner.

Learned Counsel for the petitioner contends that in the light of the aforementioned position, it is apparent that there is no material whatsoever in the eyes of law, to connect the petitioner with the commission of the offence. Learned State Counsel on the basis of reply as well as instructions from HC Pawan, confirms the aforementioned position.

Adjourned to 28.09.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner is ordered to 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 also 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 contends while learned State counsel on instructions from HC Pawan confirms that pursuant to the order of this Court dated 13.09.2021, 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.

5. In view of the statement of learned State counsel, order dated 13.09.2021, 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 construed to be an
expression of opinion on the merits of the case.

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

(B.S. Walia)
Judge

28.09.2021
'Amit'

Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No