IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36261-2021
Date of decision: 29.11.2021

Nikhil **...Petitioner**

Versus

State of Haryana **...Respondent**

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. *(Oral)*

The petitioner prays for grant of anticipatory bail in FIR No.0322 dated 19.12.2020 under Sections 120-B, 420, 467, 468, 471 IPC and Section 61 of Punjab Excise Act, 1914 (Haryana Amendment Bill, 2000), registered at Police Station Badhra, District Charkhi Dadri.

The operative part of the order dated 03.09.2021, vide which the petitioner has been granted interim bail, is reproduced below:

> "Learned counsel for the petitioner submits that as per allegations in the FIR, on 19.12.2020, the police party received a secret information that co-accused Rajbir @ Dellon has brought illicit liquor from outside area and has kept the same along with empty bottles and raid was conducted in a plot situated near to house of Rajbir @ Dellon. When the police party reached there, a person fled away from the spot and a vehicle bearing registration No.DL-4CAE-6955 was found standing in front of the plot and on checking the same, 46 boxes (552 bottles) and 160 bottles without packing were recovered and from the search of plot, 336 bottles of Royal Stag, 25 bottles of 55

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I attest to the accuracy of this
order

Gold Whiskey, 10 bottles of Blenders Pride and several boxes of card board along with empty bottles apart from covers, labels, stoppers and keeps were recovered.

Learned counsel for the petitioner further submits that the petitioner was not named in the secret information or was not present at the spot. It is further submitted that name of the petitioner surfaced in the disclosure statement of co-accused, who was arrested and his anticipatory bail application has been dismissed by the Additional Sessions Judge, only on the premise that a Duster car is to be recovered, though there is no reference of Duster car in the FIR or in the police proceedings, however, he is ready to join the investigation and produce the car before the Investigating Officer. It is further submitted that the petitioner is first offender and is not involved in any other case.

Notice of motion."

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 03.09.2021, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Pawan Kumar, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 03.09.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

29.11.2021 **(ARVIND SINGH SANGWAN)**
Waseem Ansari **JUDGE**

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*

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