

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

207

CRM-M-413-2022

Date of decision: 05.04.2022

RINKU SHARMA

.....PETITIONER

Versus

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Fateh Saini Advocate
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana

SANT PARKASH, J. (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 244 dated 05.10.2021 registered under Section 61 of Punjab Excise Act, 1914 and Sections 120-B and 420 IPC at Police Station Sadhaura, District Yamuna Nagar.

While issuing notice of motion on 07.01.2022, this Court, granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 07.01.2022 reads as under :-

“The allegation against the petitioner is that of selling liquor without excise license.

It is contended that the alleged liquor does not belong to the petitioner as he was only selling the same being an employee of the liquor shop owned by one Joginder Singh. Moreover, the alleged recovery of liquor has already been effected and therefore, custodial interrogation of the petitioner is not required. However, the petitioner is ready to join the investigation and cooperate with the investigating agency.

Notice of motion for 18.03.2022.

Mr. Amreek Singh Narwal, Deputy Advocate

General, Haryana accepts notice on behalf of the respondent-State. Copy of the paper book be supplied to learned State counsel, during the course of the day by hand or through e-mail.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:-

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the previous permission of the Court....”

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has, while reiterating submissions made on 07.01.2022, submitted that in compliance with order dated 07.01.2022, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel has, on instructions from A.S.I. Ram Kumar, acknowledged that in compliance with order dated 07.01.2022 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of

the case, I am of the considered view that the petitioner deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 07.01.2022 granting interim bail to the petitioner is made absolute.

05.04.2022
kavneet singh

(SANT PARKASH)
JUDGE

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