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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.3926 of 2022 (O&M)
Date of decision: 01.02.2022

Sarwan Kumar		Petitioner
	Versus	
State of Haryana		Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.K. Ganga, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.244 dated 29.10.2021 registered under Sections 61(i)a/4/20 of the Excise Act, 1914, at Police Station Nathusari Chopta, District Sirsa.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of ASI Ram Niwas, when he was on a petrol duty along with the other co-police officials, he received a secret information that the petitioner has concealed boxes of liquor in the *dhani* and if a raid is conducted, he can be apprehended with the same. Thereafter, the police party reached at the spot and a person, on seeing the police party ran away though, he was chased by the police party but he could not be arrested. Thereafter, 28 boxes containing 336 bottles of country-made liquor were recovered. Counsel for the petitioner has further submitted that the petitioner is not involved in any other case and the manner, in which the recovery is effected, raises a suspicion about his false implication in the case.

Counsel for the petitioner has also submitted that despite

CASE HEARD THROUGH VIDEO CONFERENCING

the directions given by this Court and the instructions issued by the Deputy General of Police that in such type of cases, when a secret information is received, the raid should be conducted in the presence of one responsible person like Sarpanch, Namberdar of the village, whereas no such procedure is followed. It is lastly, submitted that since the petitioner was not arrested at the spot, it again raises a suspicion that either he is falsely implicated in the case or the police party has left the lacunas in the investigation.

Counsel for the State counsel not dispute the fact that despite the secret information received against the petitioner, the police party which was headed by number of persons was unsuccessful in arresting the petitioner though as per the FIR, he was found at the spot.

This clearly reflects the negligence on the part of the investigating agency.

After hearing the counsel for the parties and going through the record and considering the facts and circumstances of the case, I deem it appropriate to grant the concession of anticipatory bail to the petitioner.

Accordingly, the present petition is allowed and the petitioner is directed to appear before the Investigating Officer within a period of 15 days from today to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

(ARVIND SINGH SANGWAN)

JUDGE

01.02.2022

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Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No