

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

**CRM-M-3898-2022 (O&M)
Date of decision: 04.05.2022**

Bhupender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vinod Ghai, Sr. Advocate with
Ms. Kanika Ahuja, 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.240 dated 09.07.2019 registered under Sections 120-B, 420, 467, 468, 471 IPC and 61 of the Punjab Excise Act, 1914, at Police Station Kundli, District Sonapat.

The operative part of the order dated 01.02.2022, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned senior counsel for the petitioner has argued that the petitioner was involved in as many as 23 cases, in which the petitioner was nominated on the basis of the disclosure statement of the co-accused. Learned senior counsel for the petitioner has relied upon the order dated 06.09.2021 vide which he has been granted the concession of anticipatory bail in another FIR No.235 dated 21.05.2019, registered on similar allegations. The operative part of the said order, reads as under:-

“On March 31, 2021, upon the
contention of the learned senior counsel

appearing for the petitioner, to the effect that the petitioner has been implicated in the occurrence in question which took place in the year 2017 after 4 years, while issuing notice of motion, the arrest of the petitioner had been stayed till the next date of hearing, with that order having been continued on April 23, 2021, with the State having filed a reply on that date.

Today learned State counsel at the outset points to “the biodata of the petitioner” as is contained in its reply, showing that other than the FIR in question in which he is arraigned as an accused ‘under Section 120-B of the IPC’, there are 17 other criminal cases registered against him, of similar nature or otherwise, including some under the provisions of the Excise Act of different States.

Mr. Ghai submits that the occurrence having taken place in the year 2017, with 5 trucks seized in Bihar and criminal cases registered against the driver and the other accompanying the trucks under the provisions of the Bihar Liquor Prohibition Act, 2016, the petitioner has simply been named as an accused on an alleged disclosure statement made in the year 2020 by one of those who are stated to have been arrested in Bihar.

He submits that as a matter of fact during the ‘covid period’ the petitioner has been implicated in a large number of cases falsely, only because there are other cases registered against him.

At this stage, without making any comment on the merits of the case for or against the petitioner, since the arrest of the petitioner itself had been stayed, the petitioner is now directed to join investigation within a week and upon his doing so, in case he is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaqa Magistrate. He shall abide by the conditions stipulated in Section 438(2) of the Cr.P.C.”

Learned senior counsel for the petitioner has further submitted that once the petitioner was granted the concession of the anticipatory bail in one of the case, he was ready to join the investigation in all the similarly situated FIRs including the present FIR, however, he was not allowed to join the investigation. It is also submitted that some of the accused, who were arrested have been granted the concession of regular bail and in case of one of the coaccused namely Yogesh, even challan has been presented.

Notice of motion.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 01.02.2022, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Brij Pal, 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 01.02.2022, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

04.05.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

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