

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

209

CRM-M-4129-2022

Date of decision: 30.03.2022

JOGINDER SINGH

.....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
for the respondent-State.

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 the Punjab Excise Act, 1914 and Sections 120-B/420 of the Indian Penal Code, 1860 at Police Station Sadhaura, District Yamuna Nagar.

While issuing notice of motion on 02.02.2022, this Court granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 02.02.2022 reads as under :-

“It is contended that the petitioner has been falsely implicated in the present FIR as the alleged liquor was being sold by Rinku Sharma and Netar Singh, who are the employees of the petitioner. Petitioner owned a liquor shop at Rasoolpur-1, which is at distance of 1 km ahead where the illegal liquor was being sold and the same does not belong to the petitioner. 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 30.03.2022.

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 02.02.2022, submitted that in compliance with order dated 02.02.2022, 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 02.02.2022 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 02.02.2022 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

30.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

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