

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7369-2022 (O&M)
Date of decision: 28.03.2022

Ramesh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.221 dated 08.09.2021 under Section 420 IPC and Section 61 of Punjab Excise Act (Haryana Amendment Bill, 2020), registered at Police Station Pillu Khera, District Jind.

While granting interim bail to the petitioner, following order was passed by this Court on 22.02.2022: -

“...Learned counsel for the petitioner submits that admittedly the petitioner had obtained a license to run a 'sub-vend' to sell liquor in Zone no. 43 including village Hadwa, but since the villagers raised some objection the petitioner was not actually running that

vend and it was one Monu who was running it illegally, who has already been arrested.

Whereas, prima facie at least, this court would be of the opinion that once a person has taken a contract in respect of sale of liquor from different vends, he would be bound to honour that contract as regards payments to be made for all outlets falling in that particular area for which he has taken the contract, and in the absence of any payment made for even a part thereof, possibly his license may be liable to be cancelled, subject of course to any approval to the contrary by the competent authority; yet as regards admitting the petitioner to interim bail in view of the above, even now without making any further comment on any criminal liability of the petitioner which would be seen after gazetted officer files a reply, notice of motion is issued with Mr. Neeraj Poswal, AAG, Haryana, accepting notice on behalf of the respondent-State, on the asking of the court.

The petitioner would join investigation within one week and if, upon him so joining, he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in

investigation, he would appear before the learned Ilqa Magistrate immediately, who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

The concerned Deputy Excise and Taxation Commissioner will file a detailed reply to the petition, also answering therein the aforesaid observation made by this court...”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on the basis of affidavit of Deputy Excise & Taxation Commissioner (Excise), Jind, filed in the Court today, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 22.02.2022 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

28.03.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No