

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8533-2022

Date of decision : 26.04.2022

Kulbir

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amardeep Sheoran, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.20 dated 18.01.2022 under Sections 420, 467, 468, 471 and 120-B Indian Penal Code, 1860 and Sections 61/4/20 amended Excise Act Haryana, 2020 registered at Police Station Industrial Area Bhiwani, District Bhiwani, who apprehends his arrest at the hands of Police.

On 28.02.2022, this Court had passed the following order:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No. 20 dated 18.01.2022, registered under Sections 420, 467, 468, 471, 120-B IPC and Section 61-4-20 of Amended Excise Act Haryana, 2020 at Police Station Industrial Area Bhiwani, District Bhiwani.

Learned counsel for the petitioner argues that the petitioner is already having a licence to sell liquor but the allegation in the present case is that the liquor, which was being transported, was beyond the jurisdiction of the licence of the petitioner. Learned counsel for the petitioner submits that the allegations alleged against the petitioner are totally false and frivolous and he has been wrongly involved in the present case and as nothing is to be recovered from the petitioner and he is ready to join

the investigation and co-operate to elicit the truth, the petitioner may kindly be extended the concession of anticipatory bail.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State concedes the factum that the petitioner has a licence to sell the liquor but the liquor in question was recovered from a place, which was outside the jurisdiction of the petitioner's licence and no explanation has come as to how the said liquor has reached the said place and, therefore, custodial interrogation of the petitioner is necessary.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegation as to how, the liquor reached the spot, which was outside the jurisdiction of the licence being held by the petitioner, is a matter of investigation. The liquor in question has already been seized and nothing is to be recovered from the petitioner, therefore, purpose of investigation will be achieved in case, petitioner is directed to join the investigation and co-operate.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he 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 the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 26.04.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated himself in the investigation and cooperated during interrogation.

Learned State counsel who is instructed by ASI Rajesh Kumar states that indeed the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 28.02.2022 is made absolute.

(MANOJ BAJAJ)
JUDGE

26.04.2022
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No