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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.13756 of 2022 (O&M)

Date of decision: 01.04.2022

Mangal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Dinesh Arora, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.85 dated 18.03.2022 registered under Sections 61/4/20 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) at Police Station Old Sabji Mandi, Rohtak.

Counsel for the petitioner has argued that as per the allegations in the FIR, the police arrested one Vikas, who was found selling 15 bottles of country-made liquor without any licence or permit. Later on, he nominated the petitioner as the supplier of the same.

Counsel for the petitioner has also submitted that the petitioner was earlier involved in one case relating to the year 2010 and he was fined for Rs.1,000/-. It is also argued that the only evidence against the petitioner is the disclosure statement of the co-accused Vikas and the petitioner is ready to join the investigation.

Counsel for the petitioner has relied upon the judgment ***“Tofan Singh vs State of Tamil Nadu”*, 2013(4) RCR (Criminal) 631**, to submit that it will be a debatable issue whether the disclosure statement made by the co-accused will be admissible against the

petitioner or not.

Counsel for the State has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner has been nominated in the case on the basis of the disclosure statement of the co-accused Vikas and in view of the judgment of the Hon'ble Supreme in “*Tofan Singh's case (supra)*”, this petition is allowed and the petitioner is directed to appear before the Investigation Officer within a period of 15 days from today to join the investigation and he will be released on interim bail on furnishing bail/surety bonds to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

01.04.2022
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No