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

CRM-M-18136-2022

Date of decision : 31.10.2022

Rajat

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Amit Jhanjhi, Sr. Advocate with  
Mr. Sandeep Singh Rana, Advocate and  
Mr. Himmat Singh Sidhu, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

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**VIKAS BAHL, J. (ORAL)**

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No. 55 dated 29.03.2022 under Sections 420, 120-B and 34 of the Indian Penal Code, 1860 and Section 61, 4 and 20 of the Excise Act registered at Police Station Sadar Bahadurgarh, District Jhajjar, Haryana.

On 16.05.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

*“The petitioner has approached this Court under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail in case FIR No. 55 dated 29.03.2022 under Sections 420, 120-B and 34 of the Indian Penal Code, 1860*

*and Section 61, 4 and 20 of the Excise Act registered at Police Station Sadar Bahadurgarh, District Jhajjar, Haryana.*

*Status report by way of affidavit of Arvind Dahiya, HPS, Deputy Superintendent of Police, Bahadurgarh, District Jhajjar has been filed in the Court today which is taken on record. A copy thereof has been supplied to the learned counsel for the petitioner.*

*Learned State counsel, by placing reliance on the said status report has alleged that the petitioner was accompanied by two co-accused namely Pyare Lal and Ravi and that truck in question carrying the liquor was taken by the petitioner from Rohtak and then came back after loading illegal liquor and petitioner had asked the co-accused Ravi and Pyare Lal to take it further. He submits that custodial interrogation of the petitioner would be required for ascertaining the source from where the illicit liquor was loaded. He further contends that the liquor claimed to have been loaded from the Associate Distillers on 28.03.2022 was also not delivered.*

*Learned Senior counsel appearing on behalf of the petitioner contends that there is no evidence to the effect that the liquor loaded from Associated Distillery was not delivered at the delivery point and as a matter of fact, the petitioner had itself accompanied the vehicle to ensure that delivery is duly effected at the Godown of the Chaudhary Wines. Even otherwise, the liquor recovered is a separate brand than the one loaded on to the vehicle. Besides, the permit is issued for a limited period and the consignment must reach the destination within the prescribed period. After the truck had been checked at the godown of Chaudhary Wines for offloading of the consignment, he had come back to Rohtak and that there is no telephone call*

*between the petitioner as well as the Driver after 2: 00 A.M., till the time that the vehicle in question was confiscated by the Police, which was in the possession of the co-accused Ravi and Pyare Lal. He submits that the said co-accused have indulged in an illegal activity behind the back of the petitioner and he had no knowledge of such a mis-adventure undertaken by the said co-accused. He further contends that the status of the petitioner having come back can very well be verified by the Investigating Agency from the location of the petitioner on the said date. He contends that the contraband in question already stands recovered and that the disclosure statement of co-accused is not admissible against the petitioner. It is further argued that the petitioner does not have any criminal antecedents. Learned counsel appearing on behalf of the petitioner contends that the petitioner is ready and willing to join the investigation.*

*Adjourned to 10.08.2022 for further consideration.*

*In the meantime, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.*

*Sd/- (VINOD S. BHARDWAJ)*

*JUDGE*

*MAY 16, 2022”*

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 16.05.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Ravi, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 16.05.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 16.05.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

**31.10.2022**

*Pawan*

**(VIKAS BAHL)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**