

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

CRM-M-25027-2022

Date of Decision: 05.09.2022

Pahalad

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Neeraj Kumar, Advocate, for
Mr. Akshay Jindal, Advocate,
for the petitioner.

Mr. Munish Sharma, A.A.G., Haryana.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 63 dated 25.02.2022, under Sections 420/120-B of the IPC & Section 61 of the Punjab Excise Act, 1914, (Sections 467/468/471 of the IPC added later on), registered at Police Station Saha, District Ambala.

On 01.06.2022, this Court was pleased to pass the following order:-

Inter alia contends that in the present case, the petitioner was not apprehended at the spot and at any rate, the route permit was duly issued. It is further submitted that the allegation to the effect that driver-Gifti Singh has been apprehended at a place which is not in the route concerned, is also incorrect and reference regarding the same has been made to the order dated 03.03.2022 (Annexure P-4) which is the

order granting bail to co-accused Gifti Singh wherein it has been observed that a perusal of the reply filed by the Investigating Officer would show that the said Gifti Singh has been apprehended within the territory of Ambala District which is mentioned in the route provided in Form D-20-A. It is contended that the recovery has already been effected and no loss has been caused to the State Exchequer. It is also contended that the petitioner is not involved in any other case.

Notice of motion for 09.08.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

(VIKAS BAHL)

01.06.2022”

JUDGE

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Sanjay Kumar, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 01.06.2022 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 01.06.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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.

September 05, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No