

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-25686-2022
Decided on :08.07.2022

Sandeep

. . . Petitioner

Versus

State of Haryana

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner in FIR No. 132 dated 06.03.2022 registered under Section 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) registered at Police Station Suraj Kund, District Faridabad.

Learned counsel for the petitioner has submitted that the present case has been registered on the basis of the secret information whereas the petitioner was not apprehended at the spot. It is further submitted that it is highly unlikely that the petitioner would have left his vehicle and escaped after seeing the police officials on foot. It is further submitted that the recovery in the present case has already been effected and the petitioner is not involved in any other case.

Learned State counsel has opposed the present application for anticipatory bail and has submitted that in the secret information, the name of the petitioner was specifically mentioned. It is further

submitted that even the co-accused of the petitioner has also named him in his disclosure statement.

This Court has heard learned counsel for the parties and has perused the paperbook.

A perusal of the FIR would show that although, the petitioner was specifically named in the secret information but even as per the case of the prosecution, the petitioner was not apprehended at the spot. The recovery in the present case has already been effected and the petitioner is stated to be not involved in any other case. The argument of the learned counsel for the petitioner to the effect that it is highly unlikely that the person would have left his vehicle after seeing the police officials, and escaped on foot, can not be outrightly rejected.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so.

It is made clear, in case, the petitioner fails to join the investigation or does not cooperate with the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

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.

(VIKAS BAHL)
JUDGE

July 8th,2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No