

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-26330-2022
Date of decision:25.08.2022

Yogesh @ Goga

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Jatin Kaushik, Advocate for
Mr. Nilesh Bhardwaj, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a third petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.165 dated 17.04.2022 registered under Sections 279 and 336 IPC and Section 61-4-20 of the Excise Act at Police Station Rai, District Sonapat.

On 04.07.2022, this Court was pleased to pass the following order:-

“Inter alia, contends that petitioner had earlier filed two petitions for anticipatory bail, but he had withdrawn the said petitions as complete details and correct facts had not been mentioned in both the said petitions and while withdrawing the said petitions, liberty was granted to file a fresh petition after making the necessary changes. It is thus submitted that in fact the present petition is the first effective petition for grant of anticipatory bail. It is also submitted that the alleged recovery of 14 boxes of country made liquor has been made from co-accused and not from the present petitioner and he is sought to be implicated solely on the basis of disclosure statement of said co-accused. It is further submitted that the car in question, in which, the above-said liquor was being carried does not belong to the petitioner and he is on bail in all the other cases in which he has been made an accused.

Notice of motion.

On asking of the Court, Mr. Munish Sharma, AAG, Haryana, appears and accepts notice on behalf of State of Haryana and seeks time to get instructions.

Adjourned to 25.08.2022.

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)
JUDGE”

July 04, 2022

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

Learned State counsel, on instructions from HC Bhupinder Singh, has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 04.07.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 04.07.2022 is made absolute.

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 petition.

(VIKAS BAHL)
JUDGE

August 25, 2022

ishwar singh