

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

105

CRM-M-28565-2022

Date of decision: 07.07.2022

DEEPAK @ KAKA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Ajay Arora, Advocate
for Ms. Divya Narula, Advocate
for the petitioner.

Mr. P.P.Chahar, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition, cast under Section 438 of Cr.P.C., seeks grant of anticipatory bail in case FIR No.317 of 23.04.2022, registered at Police Station City Sirsa, wherein an offence constituted, under Section 61 of the Excise Act, is embodied.

2. At the crime site, from the alleged conscious, and, exclusive possession of the arrested principal offender, 11 bottles of country made liquor became recovered by the investigating officer, and, in respect thereof, seizure memo(s) became prepared.

3. However, during the course of the principal arrested offender being in custodial interrogation, he made a disclosure to the investigating officer concerned, revealing therein, that the present bail petitioner was the supplier of the seized liquor bottles. Therefore, the

present bail petitioner becomes amenable, for his being tried, as a conspirator, alongwith the principal arrested accused.

4. Be that as it may, since it is stated, at the bar, by the learned State Counsel, that the liquor bottles were recovered at the instance of the principal arrested accused, thereupon, this Court does not deem it fit to decline the relief of pre-arrest bail to the petitioner.

5. However, the learned State Counsel has vehemently opposed the application, on the ground, that the bail applicant-petitioner is a habitual offender, thereupon there is every likelihood of the bail applicant-petitioner abusing the facility of bail, as may become accorded to him. However, the vigour of the afore made submission, of the learned State Counsel, before this Court, can become mitigated, by imposition of stringent conditions, upon the bail applicant-petitioner.

6. In aftermath, the present petition is allowed, and, the bail applicant-petitioner is admitted to anticipatory bail, and, in the event of his arrest, he may not be arrested by the investigating officer concerned. However, subject to the bail applicant-petitioner furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-petitioner shall also give an undertaking before the arresting officer, that as and when he is summoned through a written Hukamnama, he shall ensure his rendering his cooperation to the investigating officer.

7. In addition, in case, the bail applicant-petitioner re-indulges in criminal activities, thereupon, it is open to the investigating officer concerned, to forthwith arrest the bail applicant-petitioner, and, thereafter produce him before the learned Magistrate concerned, for the latter

making an order for his being put to judicial custody.

8. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from FIR (supra).

07.07.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*