

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-35948-2021 (O&M)
Date of Decision:-8.7.2022

Mukesh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikram Lakhlan, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by SI Ramesh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.188 dated 29.6.2021 at Police Station Dharuhera, District Rewari, under Sections 420, 467, 468, 471, 120-B of Indian Penal Code and Section 61 of Punjab Excise Act, 1914.
2. At the time of issuance of notice of motion, the following order was passed on 2.9.2021:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.188 dated 29.6.2021 at Police Station Dharuhera, District Rewari under

Sections 420, 467, 468, 471, 120-B of Indian Penal Code and Section 61 of Punjab Excise Act.

The FIR was lodged pursuant to receipt of secret information to the effect that a truck bearing registration No.MH-04-HD-0280 being driven by Sukhjinder Singh was proceeding from Chandigarh to Gujarat and that the same was carrying liquor illegally. Pursuant to receipt of said information, the truck in question was intercepted at District Rewari. The driver disclosed his name as Sukhjinder Singh, who produced bills in respect of rice. However, upon checking the truck, 1060 boxes of liquor were recovered from the said truck in respect of which Sukhjinder Singh could not produce any document. It is further the case of prosecution that upon inquiry it was found that a fake registration number had been affixed on the truck. During interrogation Sukhjinder Singh disclosed that one Gaba Ji, Kalu @ Leel and Mukesh Kumar (petitioner) had handed over the '*bilties*' to him.

Learned counsel for the petitioner submits that there is no evidence worth credence to connect the petitioner with the alleged recovery and that he is sought to be nominated solely on the basis of disclosure statement, which would hardly carry any evidentiary value particularly when even the truck in question does not belong to him.

Notice of motion for **11.2.2022**.

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

3. Learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions, the petitioner has since joined

investigation and he is not required for any custodial interrogation. Learned State counsel has informed that the petitioner is not involved in any other case.

4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation and he is not stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 2.9.2021 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

8.7.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No