

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

208

CRM-M-41903-2021

Date of Decision : **July 18, 2022**

VIRENDER SINGH GREWAL

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.113 dated 10.5.2021 under Section 188 of IPC, Section 61(1)A-4 of Excise Act, 2020 and Section 51 of the Disaster Management Act, registered at Police Station City Dadri, Charkhi Dadri.

The learned counsel for the petitioner has submitted that in pursuance to the order passed by this Court on 6.10.2021, the petitioner has already joined the investigation and he is fully co-operating with the investigation process and, therefore, the aforesaid interim order may be confirmed.

On the other hand, the learned State counsel has stated that it is correct that the petitioner has joined the investigation. However, he has raised an objection that the petitioner has not disclosed the documents related to the holograms which were found on the confiscated liquor bottles. He submitted that during the course of investigation, the other co-accused, namely, Sanjay who was found on the spot had made a disclosure statement that the 40 boxes of bottles belonged to the petitioner.

I have heard the learned counsels for the parties.

The petitioner's name was nominated on the basis of disclosure statement of co-accused Sanjay and as per the allegations, the liquor was confiscated from the co-accused Sanjay who is already on regular bail. On a query being raised to the learned State counsel as to whether there is any other sufficient material available with the police except for the disclosure statement, the learned State counsel was not able to substantiate even after referring to the affidavit filed by the State. Another query was also raised to the learned State counsel as to whether the petitioner is involved in any other case especially under the Excise Act or not, he submitted that the petitioner is not involved in any other case under the Excise Act. However, he has stated that the petitioner is involved in one case pertaining to Section 420 IPC.

After hearing learned counsels for the parties, this Court is of the view that the petitioner has already joined the investigation and the objection raised by the learned State counsel would not be sustainable in the absence of material available with the police to connect the petitioner with the present offence except for the disclosure statement of the co-accused, namely, Sanjay who is already on bail.

In view of the aforesaid position, the present petition is allowed and order dated 6.10.2021 is, hereby, made absolute.

July 18, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No