

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM No. M-51320 of 2021

Date of Decision : 09.02.2022

Sandeep

....Petitioner

Versus

State of Haryana

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 703 dated 09.11.2021 registered under Section 07 of the Essential Commodities Act, 1955 at Police Station Azad Nagar, District Hisar.

Learned counsel for the petitioner contends that in terms of order dated 09.12.2021 passed by this Court, the petitioner has joined the investigation. Order dated 09.12.2021 is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.703 dated 09.11.2021 registered under Section 07 of the Essential Commodities Act, 1955 at Police Station Azad Nagar, District Hisar.

Learned counsel for the petitioner argues that though, in the present FIR, it is alleged that 55 cylinders have been recovered from the premises, which is owned by the petitioner hence, the petitioner has violated the provisions of the Essential Commodities Act, 1955, but the said recovery has not

been effected in the presence of the petitioner and the allegations are yet to be proved during the course of trial. Learned counsel for the petitioner submits that as nothing is to be recovered from the petitioner and he is ready to join and cooperate in investigation, he may kindly be extended the benefit of anticipatory bail.

Notice of motion for 09.02.2022.

Mr. Gaurav Bansal, AAG, Haryana, who is present in the Court accepts notice on behalf of respondent-State.

Learned State counsel submits that the petitioner is a habitual offender and on an earlier occasion also, the same act has been attributed to the petitioner, for which, FIR No.104 dated 24.02.2021 under Section 07 of the Essential Commodities Act, 1955 was registered against him and in case, the petitioner is granted the benefit of anticipatory bail, he will again indulge in these kind of activities.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the allegations alleged against the petitioner are yet to be proved during the course of the trial and the recovery of cylinders was not done in the presence of the petitioner and it has not been brought into the notice of this Court that anything is to be recovered from the petitioner, keeping in view the allegations alleged against him in the FIR, the purpose of investigation will be achieved, in case, the petitioner is directed to join and cooperate in investigation hence, the petitioner has made out a case for the grant of benefit of anticipatory bail.

The petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, who has joined the proceedings through video conference, on instructions from SI Ramesh Kumar states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 09.12.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 09, 2022
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? ☒ Yes/No

Whether reportable? ☒ Yes/No