

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.10052 of 2023
Date of decision: 7th December, 2023

Gaurav Sharma

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.S. Ahluwalia, Mr. G.S. Madaan & Mr. Anshul Sharma,
Advocates for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.446 dated 18.12.2022 for the offences under Sections 420, 272, 120-B, 467, 468 of the IPC and Section 61/4/20 of Excise Act registered at Police Station Sadar Narnaul, District Narnaul.

2. On 24.02.2023, while noticing the following submissions made by learned senior counsel appearing on behalf of the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned senior counsel, while drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, submits that on 18.12.2022 a secret information was allegedly received by the police qua truck bearing registration No.GJ-18BV-1899 transporting illicit liquor from Chandigarh to

Gujarat. When the truck in question was stopped, two persons i.e. co-accused Devender alias Tillu and Gaurav were apprehended along with the illicit liquor. The petitioner was neither named in the secret information allegedly received nor apprehended at the spot. Learned senior counsel submits that after being apprehended, both the co-accused Devender alias Tillu and Gaurav suffered their respective disclosure statements wherein they named 4 and 2 persons respectively. During investigation, one of those six persons in turn named one Sanjay and who in turn suffered yet another disclosure statement, which has been annexed as Annexure P-7, and nominated the petitioner as an accused, and that too, after one month of the registration of the FIR in question.

While inviting the attention of this Court to the disclosure statement of co-accused Sanjay Kumar (Annexure P-7), learned senior counsel submits that there is no specific reference therein qua the involvement of the petitioner in the crime in question and only a general statement has been made that the petitioner was involved in the trade of illicit liquor. He further submits that the petitioner is not involved in any other case much less of similar nature and investigation qua other co-accused already stands concluded and challan presented.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 24.02.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Sanjeet, does not dispute the factum of the petitioner having joined investigation

and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case of similar nature, he on instructions, has replied in the negative.

6. In the circumstances, the petition is allowed and the interim order dated 24.02.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

December 7, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No