

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.31147 of 2023 (O&M)
Date of decision: 7th December, 2023

Harwinder Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. APS Deol, Senior Advocate with
Mr. Manav Bajaj, Advocate 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, 471 of the IPC and Section 61/4/20 of Excise Act registered at Police Station Sadar Narnaul, District Narnaul.

2. On the last date of hearing, i.e. 23.11.2023, 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 for the petitioner inter alia submits that the petitioner was not driving the vehicle when it was intercepted by the raiding party and the alleged recovery of liquor effected. He submits that the petitioner

came to be nominated as an accused in the second disclosure statement of one Sanjay who stated that the petitioner had been engaged as a driver by co-accused Gaurav Sharma for driving one of his vehicles in Chandigarh. It has also been contended that in the disclosure statement, Sanjay, stated that it was the petitioner and Sanjay who was lured by co-accused Gaurav Sharma to become a director of Sachwati Bottling Company. It has been asserted that the disclosure statement on the basis of which the petitioner has been arraigned as an accused has very weak evidentiary value.”

3. Learned Senior counsel for the petitioner submits that in compliance of the order dated 23.11.2023, 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 23.11.2023 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