

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

211

**CRM-M No.35214 of 2023 (O&M)  
Date of Decision: 21.08.2023**

Sandeep Kumar

..... Petitioner

*Versus*

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present:- Mr. Sanjeev Kadian, Advocate for the petitioner.

Mr. Vikram Singh, AAG, Haryana for the respondent.

\*\*\*\*

**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail to the petitioner in FIR No.444 dated 30.12.2022, under Section 61 of the Excise Act and 420, 467, 468, 471, 201/120-B of the Indian Penal Code, 1860, registered at Police Station Rai, District Sonipat.

2. Above FIR was registered on the basis of a secret information that illicit liquor is being transporting and to recover the same baricading was done in village Jagdishpur. Facing the baricarding, Driver stopped vehicle bearing No. DL-1MA-3878 mid road and ran away from the spot. On further investigation, petitioner was named in the present FIR.

3. This Court, while issuing notice of motion on 24.07.2023,

granted interim bail to petitioner in the following manner:-

*“Contends that petitioner was only driving the vehicle and having no concern with the goods as the e-way bill was generated at the instance of the owner. Also contends that recovery of the contraband has already been effected by the police; thus, his custodial interrogation is not required.*

*Notice of motion.*

*On the asking of the Court, Mr. Bhupender Singh, DAG, Haryana, accepts notice on behalf of the respondent-State and seeks time to have instructions in the matter.*

*Let status report be filed before the date fixed.  
Posted on 21.08.2023.*

*In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure, 1973. ”*

4. Learned counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

5. Learned State Counsel, on instructions from the quarter concerned submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

6. In view of above, interim order dated 24.07.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

9. Disposed off accordingly.

**(MAHABIR SINGH SINDHU)**  
**JUDGE**

**21.08.2023**

Satyawan

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No