

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

**CRM-M-38175-2022
Date of Decision: 01.02.2023**

Rahul

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vivek Goyal, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana

HARSH BUNGER J. (ORAL)

The present petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioner in case FIR No.345 dated 15.08.2022 (Annexure P-1), under Section 61(1)(a) of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) [Section 78 of the Juvenile Justice Act, 2015, added later on), registered at Police Station Sector-7, District Panchkula.

On 26.08.2022, the following order was passed by a co-ordinate Bench of this Court :-

“CRM-31003-2022

In view of the reasons mentioned in the application, the same is allowed as prayed for.

CRM-M-38175-2022

The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 345, dated 15.8.2022, Police Station Sector 7,

District Panchkula, under Section 61(1) (a) of Punjab Excise Act, 1914 (Haryana Amendment Bill 2020) (Section 78 of Juvenile Justice Act, 2015 added later on).

The allegations, in nutshell are that a secret information was received by the police to the effect that Rahul along with Pramod were selling liquor behind bus shelter of gate No.4 Khadak Mangouli, Old Panchkula. Pursuant to receipt of said information a raid was conducted where co-accused Pramod @ Ganja was found along with a plastic bag. Said Pramod was apprehended by the police. Upon checking of the plastic bag, 69 quarters of country made liquor brand 'Charli Santra' was found without any permit or licence.

It is further the case of prosecution that since aforesaid Pramod @ Ganja is a juvenile, therefore, the petitioner had also committed an offence under Section 78 of Juvenile Justice Act inasmuch as he had got illegal act done from a juvenile.

Learned counsel for the petitioner submits that although he is named in the FIR inasmuch as some secret information is stated to have been received against him, but there is no evidence worth credence to connect him with the alleged recovery. It has further been submitted that the petitioner was nowhere near the place of occurrence and nor anything was recovered from him and is not stated to be involved in any other case. It is submitted that though the prosecution claimed that he has also been nominated by the co-accused, but such statement has no evidentiary value.

Notice of motion for 16.1.2023.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall

abide by the conditions as provided under Section 438 (2) Cr.P.C. ”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.

Learned State counsel, on instructions from Assistant Sub Inspector Pardeep Singh, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, order dated 26.08.2022, passed by a co-ordinate Bench of this Court, is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Present petition is accordingly disposed of.

01.02.2023
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No