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208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38859-2023 (O&M)

Date of decision : 20.11.2023

Raj Kumar

...Petitioner

Versus

The State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Dhruv Gupta, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana,
for the respondent.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973, has been filed for grant of pre-arrest bail to the petitioner in FIR No.406 dated 24.07.2023, under Section 61 of the Punjab Excise Act, 1914, (Haryana Amendment Bill, 2020) and Section 120-B of the Indian Penal Code, 1860, registered at Police Station Ambala Cantt., District Ambala.

2. Reply dated 16.11.2023 way of affidavit of Ashish Chaudhary, HPS, Deputy Superintendent of Police, Ambala Cantt., District Ambala, on behalf of the respondent, filed by learned State counsel, is taken on record. Copy thereof supplied to the opposite side. Registry to tag the same at appropriate place.

3. Above FIR was registered with the allegations that petitioner was indulged in the business of selling liquor without licence or permit and on secret information, co-accused (Dinesh Kumar) was apprehended with

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some bottles of liquor make Officer Choice Blue and petitioner was nominated on the basis of disclosure made by said Dinesh Kumar as main supplier of the liquor.

4. This Court, on 16.08.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Short reply by way of affidavit dated 16.08.2023 of Sh. Ashish Chaudhary, DSP, Ambala Cantt. Along with Annexures R-1 to R-3, has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

Learned Counsel for the petitioner seeks time to go through the aforesaid affidavit.

Posted for 23.08.2023.

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 in the present case, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.

Let petitioner be present for assistance in the matter.

Be shown in the urgent list.”

5. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required. Also contends that no liquor bottle was recovered from the petitioner; rather alleged recovery of liquor bottles were effected from co-accused Dinesh Kumar.

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6. Above factual position is duly acknowledged by learned State Counsel, on instructions from Inspector Naresh Kumar, and further stated that custodial interrogation of the petitioner is not required at this stage.
7. In view of above, interim order dated 16.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
8. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
9. 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.
10. Disposed off accordingly.
11. Pending application(s), if any, shall also stand disposed off.

20.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No