

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

207

CRM-M-47008-2022 (O&M)

Date of decision: 15.05.2023

Vikash Kumar

....Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present : Mr. KDS Hooda, Advocate for the petitioner

Mr. Praveen Bhadu, AAG Haryana

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**AMAN CHAUDHARY. J.**

1. On 14.10.2022, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.520, dated 25.06.2022, registered under Sections 279, 336, 420, 467, 468, 471 of the Indian Penal Code and Section 61-4-20 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), lateron added Sections 120-B of IPC and Section 3/181, 3/192(1) of Motor Vehicle Act, 1988 at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner submits that as per allegation in the FIR, two persons, namely Akash Driver and Jagat Cleaner were apprehended after stopping the vehicle, who could not produce any licence or permit for the transportation of liquor boxes found therein. Thus, the FIR came to be lodged. It is his submission that the petitioner was not named in the FIR. A co-accused, namely, Manoj whose name had surfaced based on disclosure statement of the two persons, who were arrested at the spot, had named the petitioner in his disclosure statement. He further submits that though the petitioner is known to the co-accused, namely Manoj as his relative is married in the immediate neighbourhood of the petitioner in the village. He also submits that the petitioner is an agriculturist and is a simpleton, who had lend money to the co-accused a few times, that explains

the money transfers from his account to that of the co-accused Manoj. However, it is his further submission that the petitioner has no relation with him insofar as the business of co-accused Manoj is concerned. He further submits that nothing has been recovered from the petitioner and there is no other FIR lodged against him. He further submits that the petitioner is ready and willing to join the investigation.

Notice of motion for 01.12.2022.

At the asking of the Court, Ms. Aditi Girdhar, AAG, Haryana accepts notice on behalf of respondent-State.

The factum that no other case against the petitioner has been registered has been affirmed by the learned State counsel, on instructions from Inspector Sunil Kumar.

Meanwhile, the petitioner is directed to join the investigation on before 27.10.2022. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the investigating agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.”

2. Learned counsel submits that in pursuance of the aforesaid order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel on instructions affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 14.10.2022 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigation agency as and when required, the State would be

at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)  
JUDGE

15.05.2023  
*S.Sharma(syr)*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No