

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

(Sr. No. 211)

**CRM-M No. 47684 of 2022
Date of decision : 09.03.2023**

Vijay

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Surinder Saini, Advocate for
Mr. Virender Mandhan, Advocate for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 0938 dated 03.10.2022 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Sadar, District Karnal.

On 17.10.2022, this Court had passed the following order : -

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Section 61 of the Excise Act, in a case arising out of FIR No. 0938, dated 03.10.2022, registered at Police Station Sadar, District Karnal.

Learned counsel for the petitioner submits that from house of the petitioner, recovery of 8 cartons, total 96 bottles of country made liquor, Mark - ‘Masti Malta’, has been shown against the petitioner. Learned counsel further submits that petitioner has been involved in a false

case and there is no previous history of his involvement in any such case. Even provision of Section 100(4) Cr.P.C. has not been complied with while conducting raid.

Notice of motion.

Mr. Ashish Yadav, Additional Advocate General, Haryana, is present in the Court and accepts notice on behalf of the respondent-State.

Adjourned to 06.03.2023.

In the meanwhile, petitioner is directed to join investigation as and when required to do so by the Investigating Agency. In the event of his arrest, petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. Petitioner shall also abide by all the conditions laid down under Section 438(2), Cr.PC.”

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined and cooperated with the investigation and that his custodial interrogation is not required by the State.

After considering the submissions made on behalf of the petitioner as have been recorded in the afore-quoted order and the statement made on behalf of the State, subject to the petitioner abiding by the conditions provided under Section 438 (2) Cr.P.C., the order of this Court dated 17.10.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

09.03.2023

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No