

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

CRM-M-47185-2023

Date of Decision:-20.10.2023

Jagdish Chand.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Anmol Partap Singh Mann, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the petition under Section 438 Cr.PC is for grant of anticipatory bail to the petitioner in case FIR No.6 dated 03.01.2023 under Sections 61(1)(a) Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), (Section 120-B IPC added later on) registered at Police Station Chandimandir, Panchkula.

On 19.09.2023 the following order was passed:-

“ *The petitioner seeks grant of anticipatory bail in case bearing FIR No.06 dated 03.01.2023 registered under Sections 61(1)(a) Punjab Excise Act 1914 (Haryana Amendment Bill, 2020), (Section 120- B IPC added later on) at Police Station Chandimandir, Panchkula, Haryana.*

The learned counsel for the petitioner contends that the driver- Sandeep was arrested who on his arrest disclosed that the liquor belonged to Parveen Kumar who was also arrested thereafter. Parveen Kumar suffered his disclosure statement stating that the liquor had been procured

by him from one Raju, who is now stated to be Jagdish Chand, the present petitioner. He, therefore, contends that as the petitioner has been named in the disclosure statement of his co-accused which has very little evidentiary value, he was entitled to the concession of anticipatory bail.

Notice of motion for 13.10.2023.

Mr. Rajiv Goel, DAG, Haryana accepts notice on behalf of the respondent-State. In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, the State counsel is directed to file an affidavit as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing.”

Thereafter on 13.10.2023 the following order was passed:-

“ The learned counsel for the petitioner prays for one more opportunity to the petitioner to join the investigation in terms of the order dated 19.09.2023.

In view of the above, the petitioner is directed to join the investigation once again on 16.10.2023.

Adjourned to 20.10.2023.

Interim order to continue.”

Despite sufficient opportunities having been given to the

petitioner to join the investigation, he has not done so. It appears that he does not wish to cooperate with the investigating agency.

Therefore, the present petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

October 20, 2023

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>