

2023:PHHC:158819

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

209

CRM-M-51452-2023
Date of Decision : 12.12.2023

VIKASH FAUZDAR

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Shaveta Sanghi, Advocate for
Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

On the last date of hearing i.e. 10.10.2023, the following
order was passed:-

“Inter alia contends that the petitioner works as a Supervisor in the liquor vend. Being a dry day, the vend was closed and he was on a holiday. However, it transpires that one of the salesman was allegedly selling liquor unauthorizedly and without the knowledge of the petitioner. And yet, petitioner is sought to be implicated in the FIR in question without their being any active or tacit role on his part. If at all, any such alleged sale was taking place, the salesman was doing it on his own and he is already in custody. Counsel would further contend that even otherwise petitioner was never put to notice, which is a mandatory requirement under Section 41-A Cr.P.C. He relies upon Apex Court judgments in **Arnesh Kumar Vs. State of Bihar, Criminal Appeal No. 1277 of 2014 (SLP No.9127 of 2013)** and **Md. Asfak Alam Vs. State of Jharkhand, Criminal Appeal No.2207 of 2023 (SLP No. 3433 of 2023)**.

Notice of motion.

On advance service of copy of petition, learned State counsel appears and accepts notice on behalf of the respondent-State of Punjab and seeks time to file a report.

Adjourned to 12.12.2023.

In the meanwhile, petitioner shall join investigation, as and when required by the Investigating Agency and subject to his reporting to the Investigating Officer within two weeks from today, no coercive steps qua arrest of the petitioner shall be taken. In case, his arrest is required to be caused, petitioner shall be released on bail by the Arresting Officer till the next date of hearing on his

furnishing personal bonds to the satisfaction of Arresting Officer. Petitioner shall also abide by all the conditions as envisaged under Section 438 (2) Cr.P.C.”

2. Today, learned State counsel has filed a reply dated 07.12.2023 by way of an affidavit of Sh.Mohinder Singh, DSP, Narnaul, District Mahendergarh.

3. Learned State counsel, on instructions imparted to him by HC Anil Kumar, submits that the petitioner has already joined the investigation in pursuance to the aforesaid order and he has fully co-operated with the investigation process and he is no more required for any further custodial investigation.

4. In view of the specific stand taken by the learned State counsel, the present petition is allowed and order dated 10.10.2023 is, hereby, made absolute.

December 12, 2023
dharamvir

(KULDEEP TIWARI)
JUDGE

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