

CRM-M-2187-2024

Date of Decision:08.02.2024

Hansraj

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat**Present :** Mr. Mohit, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.P.C with a prayer to grant anticipatory bail to him in case FIR No.0128 dated 20.05.2023 under Section 61 Punjab Excise Act, 1914 and 120-B of IPC, registered at Police Station Jui Kalan, District Bhiwani.

2. Learned counsel for the petitioner contends that the petitioner has not been named in the present case. He was neither present at the place, where the alleged recovery has been effected nor any other recovery was effected from the house of the petitioner. In fact, the entire recovery was effected from the house of Sonu. Sonu, co-accused was arrested on 26.05.2023. He further contends that in his disclosure statement, Sonu had initially named Rajesh as one of the accused, however, later on, he suffered another statement and the name of other co-accused Vishal had surfaced. Thereafter, Vishal made a disclosure statement naming Sushil and Sunil as accused in the present case.

Thereafter, Sunil, co-accused had named the petitioner as one of the accused in the present case. Learned counsel further contends that since the recovery has already been effected in the present case, custodial interrogation of the petitioner will not serve any meaningful purpose. While placing reliance on Annexures P-2 to P-4, learned counsel submits that Vishal, Sushil and Sunil have already been granted the concession of bail by the Court of Judicial Magistrate 1st Class, Bhiwani. Even Sonu, co-accused has been ordered to be released on bail by the Judicial Magistrate 1st Class, Bhiwani.

3. On the other hand, learned State Counsel has opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was involved in 5 other cases. However, the petitioner had been acquitted in two cases and in 2 other cases, he was convicted. However, he is on bail in all other cases.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, illicit liquor was recovered from the house of co-accused Sonu and he has already been ordered to be released on bail. Even though, co-accused, namely, Sushil, Sunil and Vishal have also been ordered to be released on bail vide orders Annexures P-2 to P-4 passed by the trial Court. Thus, the custody of the petitioner will not serve any meaningful purpose.

6. In view of the submissions made by learned counsel for the parties and without commenting on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so

required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

08.02.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No