

CRM-M-3431-2024
Date of decision: 29.02.2024

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Janak Singh Bhinder, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.630 dated 12.11.2023 under Section 61 of the Excise Act and Section 120-B of IPC added later on registered at Police Station City Tohana, District Fatehabad.

On 22.01.2024, the following order was passed:-

'In view of the resolution passed by High Court Bar Association, there is no representation on behalf of the petitioner.

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.630 dated 12.11.2023 registered under Section 61 of the Excise Act (Section 120-B IPC added later on) at Police Station City Tohana, District Fatehabad.

A perusal of the pleadings indicate that the illicit liquor has been recovered from the possession of the co-accused and name of the petitioner has cropped up during the disclosure statement made by the co-accused. The co-accused has already been granted regular bail by the learned trial Court. The petitioner is not named in the Fir and no recovery has been made from his possession. The maximum sentence under which the present FIR is registered is punishable upto three

years.

Notice of motion.

*In the meantime, keeping in view the law enunciated by the Hon’ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC Online SC 352**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 31.01.2024 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the investigation, in terms of the order of this Court.

Adjourned to 29.02.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudices by observations of this Court.’

Learned State counsel on instructions from ASI Ishwar Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 22.01.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

29.02.2024

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