

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-13619-2024
Date of decision: 02.05.2024

TEJINDER SINGH

STATE OF HARYANA

....Petitioner

....Respondent

Versus

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Vikas Kumar Rana, Advocate
 for the petitioner.

 Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

 Status report dated 29.04.2024 in the form of an affidavit of Assistant Commissioner of Police, Women Safety, Faridabad and reply dated 30.04.2024 in the form of affidavit of Commissioner of Police, Faridabad has been filed in compliance to the order dated 08.04.2024. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
53	20.02.2024	420, 467, 468, 120-B IPC; 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020)	Sarai Khwaja, District Faridabad

3. Learned counsel for the petitioner submits that in compliance to the order dated 15.03.2024, the petitioner has joined the investigation.

4. During the course of hearing on 15.03.2024, following order had been passed: -

“2. Learned Senior counsel for the petitioner, inter alia, contends that the petitioner is innocent and has been falsely implicated in this case due to grudge of the police against his brother, who had filed petitions bearing CRM-M-43058- 2022 and CRM-M-43065-2022 (Annexure P-6) seeking transfer of investigation in some other cases. He submits that the petitioner is doing construction business and has no concern whatsoever with the alleged recovery and is not named in the FIR. He further submits that per as the contents of the FIR, on the basis of some secret information, one Suraj was apprehended by the Police from whom recovery of bottles of illicit liquor was effected. During interrogation, the said co-accused Suraj named one Sumit, whereafter, co-accused Sumit was also arrested, but no recovery was effected from him. However, the said co-accused Sumit made a disclosure statement implicating the petitioner in the case. Learned Senior counsel for the petitioner further submits that the petitioner is not having any previous case under the Excise Act registered against him nor he has indulged in any kind of liquor trafficking and is ready to join investigation.

3. Notice of motion.

4. On the asking of the Court, Mr. Surender Singh, AAG Haryana present in Court, accepts notice on behalf of the respondent-State. He has not disputed the factual matrix and by referring to the pairvi report contends that the petitioner has been named in the disclosure statement of co-accused Sumit, who in turn was nominated on the basis of disclosure statement of co-accused Suraj, who was arrested along with illicit liquor. He prays for time to file reply in the matter.

5. Adjourned to 08.04.2024.

6. Needful be done well before the date fixed with an advance copy to the counsel opposite.

7. In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and co-

operate in the same. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

5. Learned State counsel on instructions from ASI Jai Kumar informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.
6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 15.03.2024 passed by this Court, interim bail granted vide order dated 15.03.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.
7. The petition stands allowed.
8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

02.05.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |