

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

CRM-M-26923-2024(O&M)
Date of decision: 05.08.2024

Mukesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sunil Saharan, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

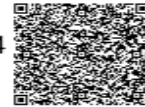
MAHABIR SINGH SINDHU, J.

Present first petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No. 316 dated 11.08.2023, under Section 61(1) (a) of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2000); and Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860 (for short, 'the IPC'), registered at Police Station Farrukh Nagar, District Gurugram.

(2) Allegations are that petitioner was owner of the truck in which illicit liquor bottles i.e. 138 cartons of liquor bottles make Royal Stag, 116 cartons of liquor bottles make Royal Challenge, 146 cartons of liquor bottles make McDowell SNo.1 and 300 cartons of quarter bottles of liquor make McDowell Sno.1 were being transported by co-accused-Dharmender @ Raju and Neeraj.

(3) Reply dated 02/04.07.2024 by way of affidavit of Shri Varun Kumar Dahiya, HPS, Assistant Commissioner of Police, Crime-I, Gurugram has been filed on behalf of respondent-State, which is taken on record. Copy

supplied to the other side. Registry to tag the same at appropriate place.



(4) Contends that this Court granted interim bail to the petitioner on 28.05.2024 and in terms thereof, he has already joined the investigation and his custodial interrogation is not required.

(5) It is acknowledged by learned State counsel that in pursuance of order dated 28.05.2024, petitioner has joined the investigation, but he is not cooperating.

(6) Heard learned counsel for the parties and perused the paper-book.

(7) This Court on 28.05.2024 passed the following order:-

“ Contends that co-accused-Dharmender @ Raju (driver) and Neeraj (occupant) have already been granted the concession of interim bail by this Court and petitioner is stated to be registered owner of the truck in question. Also contends that there is no other criminal case pending against the petitioner.

Learned State counsel seeks time to file response in terms of order dated 24.05.2024.

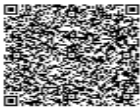
Posted for 09.07.2024.

To be heard along with CRM-M-55082-2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438 (2) of the Code of Criminal Procedure, 1973.”

(8) Learned State counsel has admitted the factum of joining investigation by petitioner; but he is not able to satisfy as to what cooperation the prosecution is asking?.

(9) In view of the above, interim order dated 28.05.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.



(10) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(11) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

(12) It is made clear that in case of any recurrence on the part of the petitioner, the State would be at liberty to move an application for recalling of this order.

(13) Disposed off accordingly.
Pending application(s), if any, shall also stand disposed off.

05.08.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No