

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202

CRM-M-36393-2023

Date of decision: 12.01.2024

SANDEEP

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

On 01.08.2023, the following order was passed:-

"The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in respect of FIR No.394 dated 07.07.2023, under Sections 7 and 10 of the Essential Commodities Act, 1955, registered at Police Station Adampur, Distict Hisar.

Learned counsel for the petitioner submits that though in the present FIR, it is alleged that 77 empty commercial cylinders, 06 empty non-commercial cylinders, one gas filling motor, one pipe and one nozal, have been recovered from vehicle No.HR39F/2802 (Pick up), of which petitioner is stated to be a carrier, has violated the provisions of Essential Commodities Act, 1955, but the said recovery has not been effected in the presence of the petitioner and the allegations are yet to be proved during the course of trial. Learned counsel for the petitioner submits that as nothing is to be recovered from the petitioner and he is ready to join and cooperate in investigation, he may kindly be extended the benefit of anticipatory bail.

Notice of motion for 27.09.2023.

On advance notice, Mr. Gurbir S. Dhillon, A.A.G., Haryana, puts in appearance on behalf of respondent-State.

Learned State counsel has opposed the prayer made in this

application by stating that the recovery has been effected from the vehicle, of which petitioner was a carrier. He submits that if the petitioner is granted the benefit of anticipatory bail, he will again indulge in these kind of activities.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations alleged against the petitioner are yet to be proved during the course of the trial and the recovery of cylinders was not done in the presence of the petitioner and it has not been brought to the notice of this Court that anything is to be recovered from the petitioner. Keeping in view the allegations made against him in the FIR, the purpose of investigation will be achieved, in case, the petitioner is directed to join and cooperate in investigation.

Hence, petitioner has made out a case for the grant of benefit of anticipatory bail.

The petitioner is directed to join investigation and cooperate with the investigating agency. In the event of his arrest, the petitioner be admitted to interim bail on his furnishing surety and bail bonds to the satisfaction of the investigating/arresting officer. He shall abide by the conditions specified in Section 438(2) Cr.P.C."

Learned counsel for the petitioner submits that in pursuance of the order dated 01.08.2023, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Krishan, submits that the petitioner has joined the investigation and he is not required for any further investigation.

In view of the statement made by learned State counsel, the interim order dated 01.08.2023, is hereby made absolute.

12.01.2024
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(KULDEEP TIWARI)
JUDGE

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