



209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38112-2024

Date of Decision: 04.09.2024

Mangat Ram

...Petitioner

vs.

State of Haryana

...Respondent

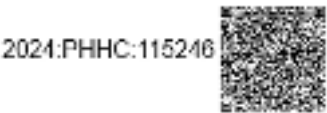
Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr.Dinesh Maurya, Advocate, for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to him in case FIR No.0085 dated 18.04.2024, registered under Section 61 of Punjab Excise Act, 1914, at Police Station Sadar Ratia, District Fatehabad.
2. While granting interim anticipatory bail to the petitioner, the following contentions have been noted by this Court:-

“Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been falsely involved in the present case. Learned counsel further contends that as per the FIR Nathi Ram son of Mohri Ram was caught by the police with illicit liquor and the recovery was effected at the spot. He contends that Nathi Ram has already been granted the concession of bail by the Court of Judicial Magistrate 1st Class, Ratia, vide order dated 06.05.2024 (Annexure P-3). He further contends that the petitioner was not present at the place of the occurrence and was out of station. He is ready to join the investigation. ”



3. During the course of arguments today, learned counsel for the petitioner has reiterated the above submissions.
4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.
5. I have heard learned counsel for the parties and perused the record carefully.
6. In the present case, the recovery of illicit liquor has already been taken place from Nathi Ram and Nathi Ram has already been granted the concession of bail by the Court of Judicial Magistrate 1st Class, Ratia, vide order dated 06.05.2024 (Annexure P-3). Thus, in the considered opinion of the Court, custodial interrogation of the petitioner may not be required, at this stage.
7. Consequently, the present petition is allowed and the interim order dated 07.08.2024, passed by this Court is made absolute. The petitioner shall continue to join investigation, as and when called by the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) of the Cr.P.C.

04.09.2024.
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(N.S.SHEKHAWAT)
JUDGE

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