

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40329-2023 (O&M)
Date of decision : 05.02.2024

Jagdish Chand

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Anmol Partap Singh Mann, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present 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.444 dated 30.12.2022, under Sections 420, 467, 468, 471, 201 & 120-B of the Indian Penal Code, 1860; Section 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), registered at Police Station, Rai, District Sonipat.

(2) Above FIR was registered on the basis of a secret information that illicit liquor is being transported and to recover the same, barricading

was placed in Village Jagdishpur. Facing the barricade, driver stopped vehicle bearing registration No.DL-1MA-3878 amid road and ran away from the spot. During investigation, petitioner was nominated in the present case.

(3) This Court, while issuing notice of motion on 18.08.2023, granted interim bail to petitioner and the same reads as under:-

“Contends that recovery of the contraband has already been effected and co-accused, namely, Sandeep Kumar also granted the concession of interim bail by this Court, vide order dated 24.07.2023, passed in CRM-M-35214-2023.

Notice of motion.

On asking of the Court, Mr. Kiran Pal Singh, AAG, Haryana accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 12.09.2023.

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 in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions from A.S.I. Surinder, acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.

- (6) In view of above, interim order dated 18.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) 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.
- (9) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

5th February, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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