



-1-

CRM-M-46574-2024
Date of decision: 07.11.2024

...Petitioner

Versus

....Respondent

Present:- Mr. Jaiveer Singh, Advocate for
Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 of BNSS, 2023, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
53	28.03.2024	420, 467, 468, 471, 120-B IPC and 61(A)-4-20 of the Excise Act and 180 of M.V. Act	Rozka Meo, District Nuh, Haryana.

2. Learned counsel for the petitioner submits that in compliance to the order dated 21.10.2024, the petitioner has joined the investigation.

3. During the course of hearing on 21.10.2024, following order had been passed: -

“It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely



CRM-M-46574-2024

-2-

implicated in the case. He submits that the petitioner was not named in the FIR and the instant FIR was registered allegedly on the basis of some recovery effected from the truck of one Ashok Kumar, who on his disclosure statement nominated co-accused Mani @ Babbal and Balvinder Singh, who were subsequently arrested and later granted the concession of bail vide orders dated 14.05.2024 and 17.05.2024 (Annexures P-4 and P-5 respectively). He submits that the aforesaid co-accused Mani @ Babbal in his disclosure statement nominated one Sukhpal Singh and the said Sukhpal Singh in his disclosure statement, nominated the petitioner as one of the accused. He submits that in fact the petitioner happens to be one of the partner in the firm and is not involved in any such transaction. He further submits that the said co-accused Sukhpal Singh has already been granted the concession of anticipatory bail by the learned Additional Sessions Judge, Nuh, vide order dated 01.07.2024 (Annexure P-6).

Learned counsel for the petitioner makes a reference to the status report submitted by the State and contends that the only purpose for which the petitioner is required by the Police is to verify and recover the original documents pertaining to the firm of the petitioner, which he is ready to handover to the investigating agency. He further submits that the petitioner is not having any criminal antecedents and is ready to join the investigation.

Per contra, learned State counsel while referring to the status report has assailed these arguments but has not disputed the fact that the original documents pertaining to the firm of the petitioner are required to be recovered from the petitioner.

List on 07.11.2024.

In the meanwhile, without commenting on the merits of the case, 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 482(2) BNSS.”



CRM-M-46574-2024

-3-

4. Learned State counsel on instructions received from S.I. Kamal Singh informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. 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 21.10.2024 passed by this Court, interim bail granted vide order dated 21.10.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of BNSS. 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.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

07.11.2024
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(SANJIV BERRY)
JUDGE

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