

211

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

**CRM-M-56926-2023 (O&M)
Date of decision : 20.02.2024**

Sachin Kharbanda @ Rishi

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Pawandeep Singh, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana,
assisted by ASI Sanjeev Kumar.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.302 dated 16.05.2023, under Section 61 of the Punjab Excise Act, 1961 (as applicable to Haryana) and Section 120-B of the Indian Penal Code, 1860, registered at Police Station Ambala City, District Ambala.

2. Allegations are that co-accused-Sandeep Kumar was apprehended with 27 boxes of foreign liquor of different brands loaded in a Bolero Maxi Truck without any valid licence or permit. Petitioner's name surfaced in the disclosure made by said Sandeep Kumar with the allegations that he helped the latter to load liquor in the vehicle.

3. This Court, on 14.11.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

“Contends inter alia that recovery of alleged 27 boxes of foreign liquor of different brands has already been effected.

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 11.01.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of 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. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the Police Officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 14.11.2023 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. Disposed off accordingly.
10. Pending application(s), if any, shall also stand disposed off.

20.02.2024
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(MAHABIR SINGH SINDHU)
JUDGE

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