



211

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

**CRM-M-1714-2025 (O&M)
Date of decision : 03.03.2025**

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...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. B.S. Mamli, Advocate, for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana assisted by
Sub Inspector Hansraj.

MAHABIR SINGH SINDHU, J.

Present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, 'the B.N.S.S.'*) has been filed for grant of pre-arrest bail to the petitioner in FIR No.256 dated 18.10.2024, under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Sadar Ratia, District Fatehabad.

(2) Status report by way of affidavit dated 24.02.2025 of Sanjay Kumar, HPS, Deputy Superintendent of Police, Ratia District, Fatehabad (Haryana), already filed on behalf of respondent-State, is taken on record. Copy thereof supplied to the opposite side.

Registry to do the needful.

(3) Allegations are that the petitioner is the owner of the car bearing registration HR-26BP-4815 make Vento from which recovery



of 40 boxes (40 cans in each box) of English liquor was effected being driven by co-accused.

(4) Learned counsel contends that petitioner was granted interim bail by this Court, vide order dated 15.01.2025 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

(5) Learned State counsel, on instructions, acknowledged the above factual position, and submits that as on today, custodial interrogation of the petitioner is not required.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It transpires that petitioner was granted interim bail by this Court, vide order dated 15.01.2025 and the order reads as under:-

“Contends, inter alia, that alleged contraband i.e. liquor bottles have already been recovered from the co-accused and petitioner has been nominated on the basis of disclosure made by co-accused Makhan Singh, Manish and Ajay Kumar.

Notice of motion.

At this stage, Mr. Kiran Pal Singh, learned AAG, Haryana accepts notice on behalf of respondent; seeks time to have instructions and/or to file response in the matter.

Posted for 03.03.2025.

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, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions



as envisaged under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’).”

(8) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

(9) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 15.01.2025 is made absolute subject to the conditions as envisaged under Section 482(2) of the BNSS.

(10) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(11) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(12) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

03.03.2025

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No