

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

Date of Decision: 26.03.2025

...Petitioner

Versus

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (ORAL)

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case FIR No.369 dated 21.09.2024 under Sections 61(1) (a) of the Excise Act registered at Police Station Sector-17, HUDA, Jagadhari, District Yamuna Nagar.
2. In compliance of the previous order, reply dated 24.03.2025 has been filed by the State by way of affidavit of Mr. Rajeev Miglani, HPS, Deputy Superintendent of Police, Jagadhri (Yamuna Nagar), which is taken on record. Copy of the same has been supplied to the counsel for the petitioner.
3. Vide order dated 13.02.2025, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 13.02.2025, passed by this Court, reads as under:

“The petitioner is seeking benefit of pre-arrest bail in case arising out of FIR No.369 dated 21.09.2024 registered under Section 61(1) (a) of Excise Act at Police Station Sector-17 (Sector 17, HUDA), Jagadhari, Yamuna Nagar, on the allegations that on

21.09.2024, three cartons of English liquor brand name Mcdowel No.1, five cartons of English brand Signature Rare aged Whiskeys and 14 cartons of English Liquor (brand Hawkston) had been ceased/recovered from a car bearing registration No.HR-02 AX-8932, on the basis of a secret information. Neither driver nor owner of the car was present at the spot. Investigation proceedings were initiated and it was revealed that the accused Raj Mohammad was driver of the car. He was arrested and suffered disclosure statement admitting his involvement in the crime and also that it was the petitioner, who had handed over liquor to him. On the basis of his disclosure, the petitioner was nominated as an accused. Investigation is underway.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is neither registered owner of the vehicle from which recovery was effected nor he was driver of the same. He is ready to join the investigation. His custodial interrogation is not required. No useful purpose would be served by detaining him in custody. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

Learned Mr. Rajiv Sidhu, DAG, Haryana and Mr. Anil Kumar Chahal, DAG, Haryana have submitted that there are serious allegations against the petitioner and therefore, he does not deserve to be extended benefit of pre-arrest bail.

Adjourned to 26.03.2025.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

It would, however, be opened to the learned Deputy Advocate General, Haryana to file a reply indicating the

involvement of the petitioner and all aspects would be considered at the time of final adjudication of the matter.”

4. Learned State counsel, on instructions from the Investigating Officer, has submitted that that the petitioner has joined investigation on 05.03.2025 and he is not required for custodial interrogation.

5. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 13.02.2025, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (analogous to Section 438(2) of the Code of Criminal Procedure).

26.03.2025
Parveen kumar

(MANISHA BATRA)
JUDGE

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