

2026:PHHC:000173



101

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-74102-2025 (O&M)
DECIDED ON: 07.01.2026

SHIV KUMAR

.....PETITIONER(S)

VERSUS

STATE OF HARYANA

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.S. Nain, Advocate
for the petitioner(s)

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 359 dated 24.06.2025 under Sections 61,4,20 of Excise Act and Section 318(4) and 61 of BNS Act, registered at Police Station Assandh, District Karnal.

2 Contention

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of a disclosure statement made by co-accused Sunil, who has already been granted the concession of regular bail vide order dated 01.07.2025 by the learned Sub Divisional Judicial Magistrate, Assandh. It is urged that no specific role has been attributed to the petitioner in the

FIR itself and that, on bare perusal of the FIR, no case is made out against the petitioner for the alleged offences under Sections 61-4-20 and 318(4), 61 of BNS, 2023. Learned counsel undertakes on behalf of the petitioner that he is ready and willing to join the investigation as and when required.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Dr. Neha Awasthi, Addl. AG. Haryana, accepts notice on behalf of respondent/State. Learned State counsel produce a copy of intimation issued by Assistant Excise and Taxation Officer (Excise), Karnal stating that the petitioner was not having a valid licence for Rahra subvend near 152-D pertaining to the command area of ZKNL-39 (Rahra/Chochra) for the year 2025-27.

Per contra, learned counsel for the petitioner has produced a copy of licence bearing No. 023L2508612 issued by the Deputy Excise & Taxation Commissioner (Excise), Karnal, in favour of the petitioner; however, there is a variance between the two licences, as they have been issued by different officers.

3. **Analysis**

Having regard to the copy of the licence issued by the Excise and Taxation Department, Government of Haryana, permitting retail sale and indicating the period of its validity, duly signed by a senior officer in the rank of Deputy Excise & Taxation Commissioner (Excise), Karnal, the same cannot be overlooked by this Court. However, whether such licence was in fact validly issued in favour of the petitioner is a matter to be adjudicated during the course of trial.

Considering the nature of the allegations, which pertain to the running of a retail liquor vend, and the fact that the alleged recovery of liquor bottles has

already been effected from the vend itself, no further recovery is required to be made from the petitioner, and therefore custodial interrogation is not warranted.

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

4. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

07.01.2026
Meenu

(SANDEEP MOUDGIL)
JUDGE

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