

CRM-M-39126-2023

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103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39126-2023
Date of Decision: 10.08.2023

Suneel and others

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Kamal Chaudhary, Advocate,
for the petitioners.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present first petition has been filed by the petitioners under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.455 dated 21.06.2023 registered under Section 61 of the Haryana Excise Act, at Police Station Surajkund, District Faridabad.

2. It is submitted by the learned counsel for the petitioners that the case against the petitioners is totally concocted. The petitioners are not involved in the crime as alleged against them in the present case. Even as per the story of the prosecution, the name of the petitioners has surfaced only in the disclosure statement and the secret information. Beyond that, there is nothing with the police to substantiate the matter against the petitioners. The petitioners are not involved in any other case. The petitioners undertake to join the investigation as and when so required by the police. Therefore, the petitioners deserve to be protected against their arrest.

3. Notice of motion.

4. Mr. Randhir Singh, Additional Advocate General, Haryana,

accepts notice on behalf of the respondent-State.

5. Learned counsel for the State, on instructions from ASI Dharminder, has submitted that the names of all the three petitioners are duly mentioned in the FIR. Not only that, when the raid was conducted, the police have found 30 boxes of liquor and one motorcycle. However, the petitioners had fled away from the scene. When one of the co-accused of the petitioners, namely Sonu was arrested. He had also disclosed to the police that the petitioners were involved in this crime. Therefore, the custodial interrogation of the petitioners is required to unearth the scope of the crime committed by the petitioners. However, it is not disputed that there is no other case against the petitioners.

6. In view of the above, but without commenting upon merits of the case, the present petition is disposed of by granting concession of anticipatory bail to the petitioners. Therefore, it is directed that in case of their arrest, the petitioners shall be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

10.08.2023

adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No