

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.3619 of 2015

Date of Decision:23.02.2015

Dawinder Singh @ Kaka

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

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

Mr.Jaspreet Singh Sekhon, Assistant Advocate General,
Punjab, for the respondent-State.

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of anticipatory bail in a case registered against him, vide FIR No.35 dated 20.02.2014, on accusation of having committed an offence punishable under Section 61 of The Excise Act, by the police of Police Station Jandiala Guru, District Amritsar Rural.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and deep consideration of the entire matter, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.
4. During the course of preliminary hearing, the following order was passed on February 06, 2015 by this Court:-

“Learned counsel, inter alia, contended that the petitioner has been

falsely implicated in this case by the police on account of rivalry in the town. The argument is that even as per prosecution version, the recovery of the liquor has already been effected and nothing is to be recovered from the petitioner. The argument further proceeds that even the story of the prosecution is highly improbable as nobody would believe that petitioner could escape from the armed police party consisting of four officials.

Heard.

Notice of motion be issued to the respondent, returnable for 23.02.2015.

Meanwhile, the petitioner is directed to join the investigation before the next date of hearing. In the event of his arrest, the Arresting Officer would admit him to bail on his furnishing adequate bail and surety bonds in the sum of Rs.25,000/- to his satisfaction.”

5. At the very outset, on instructions from HC Sarabjeet Singh, learned State Counsel has acknowledged the factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation, at this stage. There is no history of his previous involvement in any other criminal case. The recovery has already been effected. Moreover, the offence alleged against the accused is triable by the Court of Magistrate. Even, since the prosecution has not yet submitted the final police report(challan) against the accused, so, the conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner, by virtue of indicated order of this Court, is hereby made absolute on his filing a specific

affidavit to the effect that he will not indulge in any such illegal activities in future and subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for pre-arrest bail. At the same time, in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of his bail in this Court.

February 23, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE