

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206

CRM-M No.41040 of 2014

Date of Decision:16.01.2015

Jagdish Singh @ Disha

.....Petitioner

Versus

State of Punjab

.....Respondent

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

**Present: Mr.Rishu Mahajan, 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.322 dated 04.11.2014, on accusation of having committed an offence punishable under Section 61 of The Excise Act, by the police of Police Station Jandiala Guru, Amritsar.

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 December 12, 2014 by this Court:-

“Learned counsel for the parties are ad idem that the police has already

recovered the liquor, in question, in this case.

Adjourned to 16.01.2015 for arguments, at the request of counsel for the petitioner.

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 ASI Lakha 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. The impugned recovery has already been effected by the police and nothing is to be recovered from the petitioner. There is no history of his previous conviction in any other criminal case. 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 means of indicated order of this Court, is hereby made absolute, on his filing a specific affidavit to the effect that he and his family 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, join the investigation or commits such offence in future, then the prosecution would be at liberty to move a petition for cancellation of his bail in this Court.

January 16, 2015
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(MEHINDER SINGH SULLAR)
JUDGE