

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-40938 of 2015 (O&M)

Date of Decision: 01.02.2016

Arjesh Handa @ Banty @ Ramesh
Handa & others

--Petitioners

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. G.S. Simble, Advocate for the petitioners.

Mr. D.S. Virk, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioners in case F.I.R. No.111 dated 21.10.2015 under section 61 of Punjab Excise Act, registered at Police Station, City Batala, District Gurdaspur.

On 19.12.2015, while issuing notice of motion, the following order was passed by this Court:-

“Notice of motion.

Ms. Rajni Gupta, Addl.A.G., Punjab, who is present in court, accepts notice on behalf of the State. According to her, co-accused namely Bachittar Singh @ Babbu i.e. petitioner no.3 has been arrested. Petition has, thus, been rendered infructuous qua him.

Ordered accordingly.

According to her, petitioners no.1 and 2 are required for the purpose of investigation.

Accordingly, petitioners no.1 and 2 are directed to join investigation forthwith. Meanwhile, in the event of their arrest, the petitioners shall be released on bail to the satisfaction of arresting/investigating officer subject to the following conditions:-

(i) They shall make themselves available for interrogation by a police officer as and when required;

(ii) They 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 them from disclosing such facts to the court or to any police officer; and

(iii) They shall not leave India without the previous permission of the court.

To come up on 30.01.2016.”

Learned State counsel upon instructions from H.C. Lakhvir Singh would apprise the Court that the petitioners have since joined investigation. Petitioners are not stated to be involved in any other proceedings under the Excise Act.

The alleged recovery having already been effected and the petitioners having already joined investigation, their custodial interrogation, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 19.12.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

01.02.2016

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