

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-6103 of 2016 (O&M)

Date of Decision: 16.05.2016

Amandeep Kumar

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. D.S. Malwai, Advocate for the petitioner.

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 petitioner in case F.I.R. No.07 dated 15.1.2016 under sections 420, 467, 468, 471, 120-B I.P.C, registered at Police Station, City Dhuri, District Sangrur.

On 19.2.2016, while issuing notice of motion, the following order was passed by this Court:-

“Counsel would submit that the F.I.R in question was registered on the basis of a secret information that Ram Rup i.e. father of the petitioner, present petitioner himself as also their driver namely Bhinder Singh were bringing sugar from Haryana on their vehicle make Tata-709 bearing registration no.PB-13-AF-0903 on fake bills and thereby evading sale tax.

It is contended that based on such secret information the vehicle was apprehended and father of the petitioner namely Ram Rup as also driver Bhinder Singh were arrested and thereafter have been bailed out. Further contended that the documents in question are already in the possession of the investigating agency and under such circumstances, custodial interrogation of the present petitioner

would not be warranted.

Notice of motion, returnable for 16.5.2016.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Paramjit Singh would apprise the Court that the petitioner has since joined investigation. That apart, the contentions and observations contained in the notice of motion order have also gone un rebutted.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 19.2.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

16.05.2016
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