

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M-34133 of 2017 (O&M)
Date of Decision: November 07, 2017**

Vijay Kumar

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ranjit Singh, Advocate for
Mr. Avtar Singh Bhatti, Advocate
for the petitioner (s).

Mr. C.L.Pawar, Sr. D.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 371 dated 29.08.2017 registered for the offence punishable under Section 7 of Essential Commodities Act, 1955 at Police Station Basti Jodhewal, Ludhiana, District Ludhiana.

Heard.

Learned State counsel submits that the police has recovered three commercial cylinders of 19 Kg weight each, five domestic cylinders mark HP weighing 14.2 Kg each, two small cylinders of 4 Kg weight, one motor and two pipes for transferring the gas from one cylinder to another cylinder, two electronic scales from the house of petitioner.

In view of submission of learned State counsel, recovery of above mentioned articles from the house of petitioner has already been effected, as such, his custodial interrogation is no more required for further investigation. This petition is allowed and the petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on pre arrest bail till the presentation of challan, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall loose the benefit of bail allowed to him and will seek regular bail on presentation of challan.

It is, however, made clear that in the event of petitioner failing to join the investigation, as and when so required, he will loose the benefit of pre-arrest bail allowed to him.

(SURINDER GUPTA)
JUDGE

November 07, 2017
Jyoti-II

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>