

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

205

CRM-M-44304-2017

DATE OF DECISION: 19.12.2017

KALA SINGH @ KALI

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. P.K. Bansal, Advocate
for the petitioner.

Mr. Sandeep Vermani, Additional A.G., Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.5 dated 09.01.2017, under Section 61 of the Punjab Excise Act, registered at Police Station Sadar Ferozepur, District Ferozepur.

Learned counsel for the petitioner contends that the allegations in the FIR are that 1.2 lakh litres of lahan was recovered from an open field near the river Satluj in tarpuline sheets. He also contends that it is not possible that such a large quantity of lahan could be recovered from an open field as only 15-20 tarpuline sheets were allegedly found in the pit. Therefore, the recovery appears to be doubtful. He also contends that the petitioner had earlier moved a petition for anticipatory bail bearing CRM No.M-38620-2017 wherein vide order dated 12.10.2017, the petitioners were directed to join investigation and on their doing so, they were to be released on ad interim bail. Learned counsel for the petitioner, however, contends that before the petitioner could appear before the Investigating Officer, in pursuance to the order of this Court dated 12.10.2017, he was arrested in another case bearing FIR No.239 dated 29.08.2017 under Sections 307, 341, 323, 506, 427, 148, 149 IPC, registered at Police Station Sadar Ferozepur. Therefore, his

earlier petition for anticipatory bail was disposed of as infructuous. He has now been released on regular bail in FIR No.239 dated 29.08.2017 by the Additional Sessions Judge on 16.11.2017.

This Court, by the order dated 22.11.2017, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, on instructions from HC Gurnam Singh, states that the petitioner has joined investigation and is not required for custodial interrogation.

In view of the submissions of learned counsel for the petitioner and keeping in view the fact that the petitioner has joined investigation, the order dated 22.11.2017 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

19.12.2017

(ANUPINDER SINGH GREWAL)

SwarnjitS

JUDGE

Whether speaking/reasoned :	Yes / No
Whether reportable :	Yes / No