

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

CRM-M-5792-2019

Date of decision-16.11.2019

Gurtej Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Jaswinder Kaur, Advocate for
Mr. J.K.Singla, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.12 dated 19.01.2019 under Sections 61 (1) and 78 of Punjab Excise Act, 1914 registered at Police Station Sadar Mansa, District Mansa. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 07.02.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

*“Prayer in this petition under Section 438 Cr.P.C. has been made for grant of anticipatory bail to the petitioner, in case, FIR No.12 dated 19.01.2019, registered under Sections 61 (1), 78 of Punjab Excise Act, 1914, Police Station Sadar Mansa, District Mansa.
According to the prosecution, on 19.01.2019, 528 bottles of country made liquor were recovered, carried by the*

petitioner in Tata Ace vehicle. However, on seeing the police party, he fled away leaving his mobile on the spot, which on inquiry, was found to be of the petitioner.

Learned counsel contends that petitioner has falsely been implicated in the instant case. Recovery has already been effected. He is ready to join the investigation.

Notice of motion for 15.05.2019.

In the meantime, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by HC Harjinder Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from HC Harjinder Singh further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 07.02.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

16.11.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No