

207

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6205-2019

Date of decision-20.05.2019

Chhinder Pal Singh @ Chhinda

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Mumtaz Khan, Advocate for
Mr. Peeush Gagneja, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab assisted by
ASI Krishan Lal.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.0034 dated 08.03.2018 under Section 61 of Punjab Excise Act, 1914 registered at Police Station City-I, Abohar, District Fazilka. 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 11.02.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner submits that the name of the petitioner was not mentioned in the FIR. The recovery has been effected from co-accused of the petitioner. Nothing is to be recovered from the petitioner.

The bail petition filed by the petitioner was dismissed only on the ground that he is a habitual offender, whereas, in one case of similar nature, he is already on bail. The petitioner is ready to join investigation.

Notice of motion for 29.03.2019.

Meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer. He shall join the investigation as and when required by the Arresting Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under :-

(i) that the petitioner shall make himself available for interrogation before investigating officer as and when required;

(ii) that the petitioner 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 him from disclosing such facts to the court or to any police officer;

(iii) that the petitioner shall not leave India without the prior permission of the Court.””

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 her, 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 ASI Krishan Lal does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Krishan Lal 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 11.02.2019 is made absolute.

However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

20.05.2019
vanita

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