

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18426-2019

Date of decision-24.09.2019

Parminder Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Swarn Tiwana, Advocate for the petitioner.
Mr. Hittan Nehra, Addl.AG, Punjab assisted by
HC Sewak.

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.26 dated 12.03.2019 under Section 61 of Punjab Excise Act, 1914 registered at Police Station Payal, District Ludhiana. The petitioner apprehend his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 15.05.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“CRM-14288-2019

The application has been filed for preponing the date of hearing of the main petition which is fixed for 21.05.2019.

For the reasons mentioned in the application, same is allowed and the date of hearing is preponed to today.

Main case

Learned counsel for the petitioner contends that the petitioner was not even at the spot at the time of

alleged recovery of liquor, though the Police has shown him to be co-passenger of the driver, namely, Sandeep Singh. It is further contended that in view of the interim pre-arrest bail granted by the Additional Sessions Judge, Ludhiana vide its order dated 16.03.2019, the petitioner had joined the investigation. According to him, the recovery already stands effected and in the given facts, the custodial interrogation of the petitioner may not be necessary.

Notice of motion for 24.09.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of 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 Sewak does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from HC Sewak 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 15.05.2019 is made absolute.

24.09.2019

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(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :

Yes No

Whether Reportable :

Yes No