

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

CRM-M-25716-2019

Date of decision-05.11.2019

Mohinder Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Naveen Sharma, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, 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.280 dated 29.08.2018 under Section 61 of Excise Act, 1914 registered at Police Station Shimlapuri, District Ludhiana. 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 31.05.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that on the basis of disclosure suffered by co-accused, the petitioner was indicted in case FIR No.280 dated 29.8.2018, under Section 61 of the Excise Act, 1914, registered at Police Station Shimlapuri, District Ludhiana.

According to learned counsel for the petitioner the concession of pre-arrest bail was granted by

Additional Sessions Judge, Ludhiana, however, the same was declined on the ground that petitioner has failed to join the investigation on two occasions. According to him, there is no reason for the petitioner to avoid the joining of investigation. The said stand of the police before the Court was incorrect.

Notice of motion for 05.11.2019.

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 Ranjiv Kumar does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from HC Ranjiv Kumar 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 31.05.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

05.11.2019

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No