

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

105

CRM-M-32166 of 2019 (O&M)

Date of decision:20.11.2019

Sumit Kumar @ Lattu

... Petitioner

versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Rahul Arora, Advocate,
for the petitioner
Mr.B.S.Sewak, Addl.AG, Punjab
...

AMOL RATTAN SINGH, J. (Oral)

Upon notice of motion having been issued in this petition, by which the petitioner seeks the concession of anticipatory bail upon FIR No.72, dated 18.6.2019, having been registered against him for the alleged commission of an offence punishable under Section 61 of the Punjab Excise Act, 1914, at Police Station Bahawala, District Fazilka, thereafter on 26.9.2019, the petitioner had been ordered to be admitted to interim bail upon him joining investigation, if he was sought to be arrested upon so joining.

The petition was adjourned to 22.10.2019.

On that date, learned State counsel had submitted that the petitioner had not joined investigation and a request for an adjournment had been made on behalf of learned counsel for the petitioner, on the ground that he was in some personal difficulty.

The matter was then adjourned to 24.10.2019, to be taken up at

2.30 pm, with the interim order specifically ordered to continue only till that date.

On 24.10.2019, the following order was passed:-

“The petitioner having been admitted to interim bail vide an order passed on 26.09.2019, thereafter, on 22.10.2019, learned State counsel had stated that the petitioner had in fact not joined the investigation, despite the interim order directing him to do so.

A request for an adjournment had been made on that date on behalf of counsel for the petitioner, on the ground of some personal difficulty.

The matter had therefore been adjourned till today, to be taken up at 02:30 p.m. specifically.

Today, Mr. Vineet Sachdeva, Advocate, appears for Mr. Rahul Arora, Advocate, for the petitioner, and submits that on account of a bereavement in the family of Mr. Arora, he is unable to attend the Court today.

Learned State counsel on instructions from the police official who is present in Court today to assist him, submits that the petitioner has still not joined investigation.

In response thereto, learned counsel appearing for the petitioner submits that in fact another FIR was registered against the petitioner on 14.09.2019, as a result of which he could not join investigation in the case in question presently, due to fear of arrest in that case.

It is to be again noticed that the petitioner was admitted to interim bail by this Court on 26.09.2019, which is 12 days after the other FIR is stated to have been registered (as has been disclosed by learned counsel on specific query put to him).

Obviously, that fact was never brought to the notice of this Court on that date and consequently, with the petitioner not having joined investigation, there would be no question of any interim relief operating in his favour, the interim order in fact being that, upon him joining investigation, if he was sought to be arrested, he would be admitted to interim bail to the satisfaction of the Arresting Officer/Ilaqua Magistrate.

Consequently, adjourned to 18.11.2019, with the interim order dated 26.09.2019 vacated, the basic condition thereto not having been met.”

Hence, even though the interim order had in fact been vacated in the aforesaid circumstances, the matter had still been adjourned till 18.11.2019 because there was a bereavement in the family of learned counsel, with learned counsel submitting today that the petitioner is not in touch with him.

That being so, this petition is dismissed, for the reasons already given in the order dated 24.10.2019.

20.11.2019
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No