

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38386-2019 (O&M)
Date of decision: 04.10.2019

Baljeet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. M.S. Saini, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 2nd petition for grant of anticipatory bail in FIR No.14 dated 31.01.2019 under Section 61(1) of Punjab Excise Act, 1914, registered at Police Station Block Majri, District SAS Nagar, earlier one was rendered as infructuous.

While granting interim bail to the petitioner, following order was passed by this Court on 10.09.2019: -

“...Learned counsel for the petitioner submits that the petitioner was arrested in FIR No.118 dated 31.07.2019 under Section 22 of NDPS Act, Police Station Garhshankar, District Hoshiarpur, for possessing small quantity of intoxicant powder and he was granted the concession of interim bail vide order dated 30.08.2019 by the

Judge, Special Court, Hoshiarpur. It is further submitted that despite the fact that present FIR is pending against the petitioner, the police never obtained his warrants for arresting him in the present FIR.

Learned counsel for the petitioner further submits that as per the allegations, the police, on receiving a secret information that two unknown persons are coming in a car and are carrying liquor meant for sale in Chandigarh, registered the present FIR and both the accused persons i.e. petitioner Baljeet Singh and Gurnam Singh were not arrested. It is further submitted that said Gurnam Singh has already been granted the concession of anticipatory bail vide order dated 21.05.2019 passed in CRM-M-15700-2019.

Learned counsel for the petitioner has further argued that new ground for filing this 2nd petition is that when the earlier petition was filed and he was granted the concession of interim anticipatory bail, the petitioner was in judicial custody in the aforesaid FIR No.118 and he was granted interim bail by Judge, Special Court, Hoshairpur vide order dated 30.08.2019. It is also submitted that the first petition for grant of anticipatory bail filed by the petitioner was rendered as infructuous on 27.08.2019, as he could not join the investigation because he was arrested in aforesaid FIR under the NDPS Act...”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, petitioner has joined the investigation and is not required for

any further investigation.

Learned State counsel, on instructions from ASI Lakhvir Singh, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 10.09.2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

04.10.2019

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**[ARVIND SINGH SANGWAN]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No