

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

**CRM-M-40435-2019
Date of decision-29.11.2019**

Lakhvir Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sukhjot Singh, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, 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.103 dated 16.07.2019 under Sections 307 and 323 of Indian Penal Code, 1860 and Section 78 and 61 of The Punjab Excise Act, 1914 registered at Police Station Jhunir, District Mansa. 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 27.09.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“As per the prosecution, the petitioner was driving vehicle No.PB-03-AY-1926, who instead of stopping the same on signal to stop by the police, drove away, and was chased in police vehicle bearing No.PB-03- BA-8274. As per the allegations the petitioner hit the police

vehicle on number of occasions and finally stopped the vehicle and took to his heels.

Learned counsel for the petitioner contends that he has been falsely implicated, wherein recovery of liquor has also been shown from the alleged vehicle.

During the course of hearing learned State counsel has produced the photographs of the damaged vehicle of police, which prima facie gives an impression that the said vehicle was lying abandoned for a long time. This is evident from rust and dust, gathered by it. Besides, the number plate is also not shown in the photographs. It is not disputed by learned State counsel that there are no photographs of the vehicle being driven by the petitioner. Let the Senior Superintendent of Police, Mansa file his affidavit after examining the background of this FIR and the investigation carried out so far.

Adjourned to 29.11.2019.

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. The Investigating Officer is also directed to remain present in Court on the date fixed.”

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 has filed reply by way of affidavit of Dr. Narinder Bhargav, PPS, Senior Superintendent of Police, Mansa, District Mansa (Punjab) on behalf of respondent No.1-State, wherein it is mentioned that in compliance of the order dated 27.09.2019 passed by this Court, photographs of the vehicles were clicked before releasing at superdari.

Learned State counsel has produced the photographs of the vehicles involved in the incident on the date of occurrence and the same have been perused. He further apprised that during investigation, Sections 307 and 323 IPC were deleted and Sections 353, 279 and 337 IPC were added vide DDR No.17 dated 18.11.2019.

Learned State counsel who is assisted by ASI Baldev does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Baldev 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 27.09.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

29.11.2019

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