

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

213

CRM-M-42993-2019

Date of decision: 15.11.2019

Balwinder Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Satwant Mehta, Advocate for the petitioners.

Mr. Sandeep Singh Deol, D.A.G., Punjab.

ARUN KUMAR TYAGI, J (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") is for grant of anticipatory bail to the petitioners in case FIR No.0024 dated 08.04.2019 registered under Section 61 of the Excise Act, 1914 at Police Station Chohla Sahib, District Tarn Taran.

While issuing notice of motion on 14.10.2019, a Coordinate Bench of this Court had granted the interim anticipatory bail to the petitioners with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

Learned counsel for the petitioners has submitted that the petitioners were falsely implicated in the present case. The petitioners have joined the investigation. Nothing is to be recovered from them and their custodial interrogation is not required.

Learned State counsel, on instructions from investigating officer, has acknowledged that in compliance with order dated 14.10.2019 passed by the Coordinate Bench of this Court, the petitioners have joined the investigation and submitted that their custodial interrogation is not required for effecting any further recovery.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioners is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioners deserve the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 14.10.2019 granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to them.

15.11.2019

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No