

**PUNJAB AND HARYANA HIGH COURT
CHANDIGARH**

202

CRM-M-45187-2019

Date of decision : 19.12.2019

Gurpreet Singh

Petitioner.....

V/s

State of Punjab

Respondent.....

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Mikhail Kad, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

ARUN KUMAR TYAGI, J. (Oral)

Prayer in the petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.239 dated 11.09.2019 registered under Sections 61 and 78 of the Punjab Excise Act, 1914 at Police Station Lehra, District Sangrur.

While issuing notice of motion, the petitioner was granted interim bail vide order dated 23.10.2019 by the Coordinate Bench of this Court 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 petitioner as well as learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner was falsely implicated in the case on the basis of disclosure statement of co-accused. The petitioner was not apprehended on the spot and nothing was recovered from him. The petitioner joined the investigation and his custodial interrogation is not required.

Learned State Counsel has acknowledged that in compliance with order dated 23.10.2019 passed by this Court, the petitioner joined investigation and submitted that his 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 petitioner 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 petitioner deserves the concession of anticipatory bail. Therefore, the petition is allowed and order dated 23.10.2019 granting interim bail to the petitioner is made absolute. However, the petitioner 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.

19.12.2019

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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No