

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

208

CRM-M-42339-2018 (O&M)

DATE OF DECISION: 01.05.2019

JASPREET SINGH @ JASSI

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Munish Gulati, Advocate for
Mr. Arjun Veer Sharma, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.389 dated 16.08.2018, under Sections 61(i) (a)/78(2) of Punjab Excise Act and Sections 420/465/468/471 IPC, registered at Police Station Focal Point, Ludhiana, District Ludhiana.

Learned counsel for the petitioner contends that the allegations in the FIR are that country made liquor was recovered from a truck. He, however, contends that the petitioner is neither owner nor driver of the truck and is not named in the FIR. No recovery has been effected from him and there is no document to connect the petitioner with the commission of the offence.

A coordinate Bench of this Court, by the order dated 26.09.2018, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

On 12.03.2019, learned counsel for the petitioner had submitted that the petitioner has joined investigation but the State counsel, upon instructions from ASI Jaspal Singh, had contended that after adding other sections, the petitioner has not joined investigation. However, there was no *zimni* in the police file with regard thereto. A coordinate Bench of this Court had directed the Commissioner of Police, Ludhiana to look into the matter as to why the Investigating Officer did not make *zimni* in the police file.

Learned State counsel has filed the affidavit of Commissioner of Police, Ludhiana wherein it is stated that as the police official has been found to be negligent, departmental proceedings have been initiated against him.

Learned State counsel, on instructions from SI Kashmir Singh, states that the petitioner has joined investigation and is not required for custodial interrogation.

In view of the submissions of learned counsel for the petitioner and keeping in view the fact that the petitioner has joined investigation, the order dated 26.09.2018 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

01.05.2019

SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

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