

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

204

CRM-M-5639-2020

Date of decision: 17.07.2020

Bara Singh @ Balbir Singh @ Baru

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. H.S. Multani, AAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.110 dated 01.04.2019 registered under Section 61 (1) of the Punjab Excise Act, 1914 at Police Station Phillaur, District Jalandhar.

While issuing notice of motion on 10.02.2020, a Coordinate Bench of this Court had granted the interim anticipatory bail to the petitioner 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 present case. The petitioner has

no nexus whatsoever with the alleged offence. In case police had received any secret information then somebody might have been apprehended on the spot, whereas none of the accused was apprehended during the course of alleged raid. The petitioner has joined the investigation. Nothing is to be recovered from him and his custodial interrogation is not required.

Learned State counsel, on instructions from ASI Jai Gopal, has acknowledged that in compliance with order dated 10.02.2020 passed by the Coordinate Bench of this Court, the petitioner has joined the investigation and submitted that his custodial interrogation is not required for effecting any 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 10.02.2020 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., failing which the protection of anticipatory bail order shall not be available to him.

17.07.2020
Vinay

(ARUN KUMAR TYAGI)
JUDGE

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