

201

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

CRM-M No. 12003 of 2020
Date of Decision: 29.07.2020

Gurpreet Singh

-Petitioner

Versus

The State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Rana Harjasdeep, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

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

Prayer in this petition is for grant of anticipatory bail in case bearing FIR No.54 dated 05.04.2020 registered under Section 61 of Punjab Excise Act, 1914 and Section 188 of Indian Penal Code, 1860 at Police Station Sadar Pathankot, District Pathankot.

On 06.05.2020, following order was passed:-

“This matter is being taken up for hearing through video- conferencing due to the pandemic, COVID-19.

It is contended that the petitioner is a 19 year old student pursuing his studies in the 12th standard. It is submitted that he was not present at the spot when the alleged recovery was made from the co-accused. Learned counsel for the petitioner argues that in the wake of immense police presence during the time of curfew, it is not possible that the petitioner would have managed to escape as alleged in the FIR. It is submitted that the petitioner is not involved in any other criminal case.

Notice of motion.

Mr. H.S.Sullar, DAG, Punjab accepts notice on behalf of respondent- State. Advance copy of the petition stands served upon the State. Learned counsel for the State prays for some time.

At request, adjourned to 29.07.2020.

Arrest of the petitioner shall remain stayed till the next date of hearing.”

Learned State counsel on instructions from ASI Hem Raj states that though the petitioner was not directed to join the investigation as only his arrest was stayed, but he has joined the investigation to the satisfaction of the Investigating Officer.

Co-accused Surmukh Singh has been granted anticipatory bail by this Court vide order dated 14.07.2020 passed in CRM-M No.12113 of 2020.

In view of aforesaid, this petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 02.08.2020 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing requisite bail bonds/surety bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

July 29, 2020

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No