

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-14063 of 2020 (O&M)
Date of decision:05.06.2020

Parkash Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Nakul Sharma, Advocate
for the petitioner.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM No.12338 of 2020

Allowed as prayed for.

CRM-M-14063 of 2020

Through the instant petition, the petitioner seeks anticipatory bail in case FIR No. 60 dated 24.05.2020, under Sections 61/1/14 of the Punjab Excise Act, 1914 registered at Police Station Talwandi Bhai, District Ferozepur.

Counsel for the petitioner has submitted that a false case was framed against the petitioner when the alleged raid was conducted at his residence. The petitioner was not apprehended on the spot. He argues that no independent witness was associated when 60 kgs lahan was allegedly

recovered. He submits that no other case is pending against the petitioner.

Notice of motion.

On asking of the Court, Ms. Bhavna Gupta, D.A.G, Punjab, who is available on conference call, accepts notice on behalf of respondent. Advance copy of the petition has already been served on the State.

Upon instructions from ASI Major Singh, State counsel has opposed the bail application, but she has not been able to dispute that the petitioner was not apprehended from the spot and that no independent witness was associated.

In view of the above facts, and without commenting on the merits of the case, the present petition is allowed. The petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to bail on his furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

It is clarified that any observation made herein above shall not be construed as an expression of opinion on the merits of the case. If the petitioner does not join the investigation then it will be open to the State to file an application to recall the order.

(SUVIR SEHGAL)
JUDGE

June 05, 2020

savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No