

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(202)

CRM-M-14231-2020

Date of Decision: September 02, 2020

Kulwinder Singh alias Gurbinder Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mandeep K. Dhot, Advocate, for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

The petitioner is seeking anticipatory bail in FIR No. 63 dated 28.04.2020 under Section 61 of the Punjab Excise Act, 1914 registered at Police Station Longowal, District Sangrur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 08.06.2020. Order dated 08.06.2020 is as under:-

“The petitions have been taken for hearing through video conference due to Covid-19 pandemic.

CRM No.12526 of 2020 and CRM No.12602 of 2020

Applications are allowed as prayed for.

CRM-M-14231 of 2020 and CRM-M-14334 of 2020

Above mentioned two petitions are being taken up for hearing together as both the petitions have been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in respect of the same FIR i.e. FIR No.63 dated 28.04.2020 under Section 61 of the Punjab Excise Act, 1914 registered at Police Station Longowal, District Sangrur.

Learned counsel for the petitioners argues that the petitioners have been falsely roped in the present case and the recovery of 36 bottles of country made liquor has been shown to be recovered from the house of the petitioner-Kulwinder Singh @ Gurbinder Singh @ Sikh, in fact is false. Learned counsel for the petitioners argues that the petitioners were not present in the house at the time of recovery, which prima facie shows that recovery has been planted upon the petitioners.

Notice of motion for 02.09.2020.

Mr. Ajay Pal Singh Gill, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petitions accepts notice on behalf of respondent-State. Learned State counsel argues that petitioner Kulwinder Singh @ Gurbinder Singh @ Sikh has already been convicted of an offence under the Excise Act. Learned State counsel fairly concedes that no recovery has been done from petitioner Nanak Singh and no other case is pending against him.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Recovery which has been shown against the petitioner Kulwinder Singh @ Gurbinder Singh @ Sikh from his house was concededly done in his absence. Merely that petitioner Kulwinder Singh @ Gurbinder Singh @ Sikh has been convicted of an offence under the Excise Act does not debar him from praying for the concession of an anticipatory bail, especially, in view the facts and circumstances of the present case. In respect of petitioner Nanak Singh, no recovery has been effected from him and no other case is pending against him. The interest of investigations will be served in case the petitioners are directed to join and cooperate in the investigations.

Learned counsel for the petitioners submits that the petitioners are ready to join and cooperate in the investigation.

The petitioners are directed to join the investigation forthwith. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That they shall make himself available for interrogation by the police officer as and when required.

(ii) That they 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 them from disclosing the said facts to the Court or to any police officer.

(iii) That they shall not leave India without prior permission of the Court.

(iv) That they shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

Photocopy of this order be placed on the file of connected case.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Karam Singh, Police Station Longowal, District Sangrur, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 08.06.2020 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.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

September 02, 2020
harsha/naresh.k

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