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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15657-2020

Date of decision-18.08.2020

Rachpal Singh @ Fanna and another

...Petitioners

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. C.S.Rana, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

MANOJ BAJAJ, J.

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.405 dated 10.12.2019 under Section 61 (1) Punjab Excise Act, 1914 registered at Police Station Phillaur, District Jalandhar. The petitioners apprehended their arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 18.06.2020 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

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

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Prayer in the application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') is for exemption from filing/affixing the court

fee during the lockdown.

In view of the lock down restrictions imposed to prevent spread of Covid-19 and the reasons mentioned in the application, the same is allowed and the petitioners are exempted from filing the court fee as prayed for and the same be filed within one week from the date of resumption of normal working.

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The petitioners have filed present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.405 dated 10.12.2019 registered under Section 61(1) of the Punjab Excise Act, 1914 at Police Station Phillaur, District Jalandhar.

Learned Counsel for the petitioners has submitted that the petitioners were not arrested on the spot and no recovery was made from them. As per prosecution version, on raid conducted on secret information recovery of equipments of working stills and 5 drums each containing 100 litre of Lahaan was allegedly made from the petitioners and their co-accused but the prosecution version as to their escape with their co-accused at the time of raid in the presence of the Police officials, who were armed, is highly doubtful. Co-accused Balvir Singh @ Bharu @ Bara Singh and Makhan Singh @ Makhni have already been granted interim anticipatory by this Court vide orders dated 14.02.2020 and 20.02.2020 respectively. The petitioners are ready to join the investigation and their custodial interrogation is not required for effecting any recovery.

Notice of motion.

Mr. Amit Mehta, Sr. DAG, Punjab has accepted notice on behalf of the respondent-State.

Copy of the paper book has already been supplied to the learned State Counsel by the Registry.

Learned State Counsel seeks time to file reply.

Adjourned to 01.07.2020.

In the meanwhile, the petitioners-Rachpal Singh @ Fanna Chakki Wala and Balbir Singh are directed to join the investigation as and when called upon to do so. In the event of their arrest, the petitioners shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by them to the satisfaction of the arresting officer/investigating officer. The petitioners shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which they shall not be entitled to the protection of interim bail allowed to them.”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Jai Gupal does not dispute this fact that the petitioners have joined the investigation and they are not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 18.06.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

18.08.2020

vanita	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No