

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

204-A

CRM-M-16048-2020 (O&M)

Date of decision: 17.07.2020

Rachpal Singh @ Fanna Chakki Wala and anotherPetitioners

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

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.

CRM-14056-2020

Prayer in the application filed under Section 482 of the Code of Criminal Procedure, 1973 is for exemption from filing/affixing the Court fee during the period of lock down.

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/affixing the Court fee as prayed for and the same be filed within one week from the date of resumption of normal working.

CRM-M-16048-2020

Petitioners-**Rachpal Singh @ Fanna Chakki Wala and Balbir Singh** have 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.

A Coordinate Bench of this Court vide order dated 23.06.2020 had granted the interim anticipatory bail to the petitioners 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 petitioners as well as learned State counsel and have gone through the record.

Learned counsel for the petitioners has submitted that the petitioners were falsely implicated in the present case. The petitioners have joined the investigation. Nothing is to be recovered from them and their custodial interrogation is not required.

Learned State counsel, on instructions from ASI Jai Gopal, has acknowledged that in compliance with order dated 23.06.2020 passed by the Coordinate Bench of this Court, the petitioners have joined the investigation and submitted that their 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 petitioners 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 petitioners deserve the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 23.06.2020 granting interim bail to petitioners-**Rachpal Singh @ Fanna Chakki Wala and Balbir Singh** is made absolute. However,

the petitioners 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 them.

17.07.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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