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IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH.

CRM-M-16064-2020
Date of order: 26.08.2020

AMARJIT SINGH @ AMBA

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Varinder Basa, Advocate for the petitioner.
Mr. H.S. Sitta, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for grant of anticipatory bail to petitioner, in case FIR No.018 dated 06.02.2020 under Section 61 of Punjab Excise Act 1914, registered at Police Station Sadar Batala, District Gurdaspur, Punjab.

On 13.07.2020, while granting interim bail, a Coordinate Bench of this Court passed the following order:-

“Case has been taken up for hearing through Video Conferencing.

This is a petition under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case F.I.R. No.18 dated 06.02.2020 under Section 61 of Punjab Excise Act, registered at Police Station Sadar Batala, District Batala.

Learned counsel for petitioner inter alia contends that petitioner has no nexus whatsoever with the alleged offence. He further submits that alleged recovery of 19 bottles of alcohol has already been effected. He further submits that petitioner is ready to join investigation as and when called upon to do so by the Investigating Agency.

Reply by way of short affidavit of Balbir Singh, PPS, Deputy

Superintendent of Police, Sub Division Fatehgarh Churian, Police, District Batala filed and the same is taken on record.

Adjourned to 26.08.2020.

Meanwhile, in the eventuality of arrest of petitioner in the instant case FIR, he shall be enlarged on interim bail subject to his furnishing personal/surety bonds to the satisfaction of Arresting Officer/Investigating Officer. Petitioner shall join investigation as and when called upon to do so by Investigating Agency. Petitioner shall abide by conditions as laid down in Section 438(2) Cr.P.C. in letter and spirit.”

Contentends that in terms of above order, petitioner has already joined investigation.

Learned State counsel, on instructions from ASI Ramesh Kumar has acknowledged the above factual position and stated that the petitioner has joined investigation and nothing incriminating has been recovered, therefore, his custodial interrogation is not required.

In view of the above, petition is allowed. Order dated 13.07.2020 granting interim bail to the petitioner, is made absolute, subject to the provisions of Section 438(2) Cr.P.C.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

26 August, 2020
rajender

(MAHABIR SINGH SINDHU)
JUDGE

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