

202 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16701 of 2020
Date of Decision: 27.08.2020

Sushil @ Sheel

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. S.S.Deol, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is being taken up for hearing through video conferencing.

Through the instant petition under Section 438 of Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 140 dated 10.06.2020, registered under Sections 61 and 78(2) of Punjab Excise Act, 1914, at P.S.Dinanagar, District Gurdaspur.

On 26.06.2020, this Court passed the following order :-

“Case is being taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 140 dated 10.6.2020 under Sections 61, 78(2) of Punjab Excise Act, 1914 registered at Police Station Dinanagar, District Gurdaspur.

Learned counsel for the petitioner submits that neither the petitioner has been apprehended on the spot nor any recovery has been effected from him. He further submits that the petitioner was also involved in another case under the Excise Act in which he was acquitted.

Notice of motion.

On the asking of the Court, Mr. Ajay Pal Singh Gill, DAG, Punjab accepts notice on behalf of the State.

Learned State counsel has pointed out that secret information was received by the police and the recovery has been effected from the house of the petitioner.

Since the petitioner was not apprehended on the spot and the recovery has been already effected, interim bail is granted to the petitioner. He is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

Adjourned to 27.8.2020.”

Learned counsel for the petitioner states that pursuant to the order dated 26.06.2020 passed by this Court, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Gurmeet Singh states that the petitioner has joined the investigation and he is not required for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 26.06.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(HARNARESH SINGH GILL)
JUDGE

27.08.2020
Maninder

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