

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

207

CRM-M-19038-2020

Decided on : 29.09.2020

Prem Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Ms. Sukhveer Kaur, Advocate for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present petition filed under Section 438 Cr.P.C., seeks grant of anticipatory bail in case FIR No.33 dated 21.05.2020 under Sections 61 (1) (14) of Punjab Excise Act, 1914, registered at Police Station Kotli Surat Mallian, District Gurdaspur.

On 17.07.2020 the following order was passed:-

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

The petitioner has filed this petition (first) under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No. 33 dated 21.05.2020 under Section 61 of the Punjab Excise Act, 1914 registered at Police Station Kotli Surat Mallian, District Gurdaspur.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was not apprehended at the spot and the alleged recovery was planted upon him. The petitioner is ready to join the investigation and his custodial interrogation is not required.

Notice of motion.

Mr. Rana Harjasdeep Singh, DAG, Punjab has accepted notice on behalf of the respondent-State. Copy of the paper book has already been supplied to learned State Counsel by the Registry.

Learned State Counsel seeks time to file reply.

Adjourned to 07.09.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.”

In pursuance of the above said order, the petitioner has joined investigation, which is vouched by the counsel for the State, on instructions received from ASI Amrik Singh. Mr. Sidhu, has pointed out that the petitioner has two cases of similar nature against him and stood acquitted in the case of year 2000, whereas he was convicted in the case pertaining to the year 2014. The recovery as such is of 15 bottles of illicit liquor in the present case, which has already been done.

In such circumstances, since the petitioner is stated to be 70 years old has already joined the investigation, his custodial interrogation is not required and no useful purpose will be served by taking him into custody.

Accordingly, the order dated 17.07.2020 is confirmed and the petition stands disposed of.

(G.S. SANDHAWALIA)
JUDGE

SEPTEMBER 29, 2020
Naveen

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No