

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

CRM-M-18855-2020 (O&M)

Date of Decision: 27.08.2020

Prem Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

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

Mr. A.S. Sandhu, Addl. A.G. Punjab.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in FIR No.47 dated 04.05.2020, under Sections 61(1) and 61(1) (14) of Punjab Excise Act, 1914, registered at Police Station Bhaini Mian Khan, District Gurdaspur.

While issuing of notice of motion, the following order was passed by this Court on 16.07.2020:-

“This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner seeks concession of pre-arrest bail in case FIR No.47 dated 04.05.2020, under Sections 61(1) and 61(1) (14) of Punjab Excise Act, 1914, registered at Police Station

Bhaini Mian Khan, District Gurdaspur.

Inter alia contends that the version projected by the prosecution is verbatim as in the second FIR in which also the petitioner is a co-accused. FIR is stated to have been registered on the basis of secret information. No independent witness has been joined. Even though 180 Kgs. of Lahan is alleged to be found at the spot but the police separated only 5 Kgs. Lahan on the plea that the remaining was not to be lifted and was destroyed at the spot.

Counsel has also referred to an order dated 09.07.2020 passed by the Coordinate Bench in CRM-M-17953 of 2020 wherein under identical circumstances/allegations, interim protection stands granted.

Notice of motion returnable for 27.08.2020.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Rakesh Kumar, informs the Court that the petitioner has since joined investigation and is not required for any custodial interrogation.

In view of the above, petition is allowed. Order dated 16.07.2020 passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

August 27, 2020

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