

203 (2)

IN THE PUNJB AND HARYANA HIGH COURT AT
CHANDIGARH

CRM-M-19158-2020
Date of decision: 13.10.2020

RAHUL

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gurbir Singh Sidhu, Advocate for petitioner.
Mr. V.G. Jauhar, Sr. DAG, Punjab.

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 FIR No.0174 dated 21.06.2020, under Section 61 of the Punjab Excise Act, 1914 (Sections 420, 465, 467, 468, 471 of the Indian Penal Code, 1860 added later on), registered at Police Station Bhawanigarh, District Sangrur.

On 17.07.2020, while issuing notice of motion, Coordinate Bench of this Court has passed the following order:-

“Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0174 dated 21.06.2020 under Section 61 of the Punjab Excise Act, 1914 and Sections 420, 465, 467, 468, 471 IPC added later on registered at Police Station Bhawanigarh, District Sangrur.

It has been contended by learned counsel for the petitioner that the petitioner was not named in the FIR and he was nominated by one of the co-accused. The alleged role of the petitioner is stated to be that he

used to drive a pilot vehicle to check if there were any nakas on the way. Learned counsel further contends that co-accused has been granted the concession of bail vide order dated 09.07.2020 in CRM-M No.18113 of 2020.

Notice of motion.

On the asking of the Court, Mr. Jagmohan Singh Ghuman, DAG, Punjab has joined the session through video conferencing and accepts notice. Learned State counsel, on instructions from ASI Gian Singh, is not in a position to deny that the petitioner is not named in the FIR and that the only role attributed to him by the co-accused is that he used to drive a pilot vehicle checking whether there were any nakas on the way.

Adjourned to 18.08.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail till the next date of hearing on his furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.

To be heard along with CRM-M No.18113 of 2020.”

Learned State counsel, on instructions from police official ASI Gyan Singh, has stated that in terms of order dated 17.07.2020, the petitioner has joined investigation and his custodial interrogation is not required.

In view of the above, order dated 17.07.2020 granting interim bail to petitioner, is made absolute, subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that 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 merits of the case.

13 October, 2020
rajender

(MAHABIR SINGH SINDHU)
JUDGE

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