

AT CHANDIGARH

CRM-M-19401-2020

Date of Decision : 20.07.2020

Harjitpal @ Happy

....Petitioner

versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia**Present : Ms. Ruby Kaur, Advocate for the petitioner.**

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the petition under Section 438 of Cr.P.C., is for grant of anticipatory bail to the petitioner in case FIR No.43 dated 25.03.2020, registered under Sections 188 Indian Penal Code and Section 61-1-14 Punjab Excise Act, 1914, at Police Dasuya, District Hoshiarpur.

3. Learned counsel contends that the petitioner is innocent and was falsely implicated in the case, that vide order Annexure P/2 dated 08.06.2020, the learned Addl. Sessions Judge, Hoshiarpur, granted ad-interim pre arrest bail to the petitioner subject to his furnishing personal bonds etc, but on account of loss of mobile phone of the petitioner, neither the petitioner nor his counsel could contact each other as a result of which, he could not join investigation in compliance of order dated 08.06.2020, resultantly, vide order Annexure P/3, dated 16.06.2020, anticipatory bail

petition of the petitioner was dismissed. Subsequently the second application

for anticipatory bail was also dismissed by the learned Addl. Sessions Judge, Hoshiarpur, vide Annexure P/4 dated 08.07.2020, on the ground that the petitioner had not furnished bail bonds in compliance of the order granting interim bail and the ground taken by the petitioner that he could not contact his counsel due to loss of mobile phone was not plausible.

4. Notice of motion. Mr. Bhupender Beniwal, AAG, Punjab, accepts notice and confirms the factual position as noted above.

5. In the light of the position as noted above, especially in view of the fact that the learned Addl. Sessions Judge, Hoshiarpur vide order Annexure P/2 dated 08.06.2020, granted ad-interim bail to the petitioner but the petitioner/his counsel could not contact each other due to loss of mobile phone of the petitioner as also that the recovery of 40 bottles of illicit liquor has already been effected and the petitioner undertakes to join investigation and fully cooperate with the police, the petition for pre-arrest bail is allowed. The petitioner shall join investigation as and when called upon to do so by the Investigating Officer and in any case within ten days from today and shall also fully cooperate in the investigation. In the event of his arrest, the petitioner be released on ad-interim pre-arrest bail subject to his furnishing bail bonds/surety to the satisfaction of the Arresting/ Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to him shall stand vacated.

6. Disposed of in the aforementioned terms.

20.07.2020

'PS/Rajesh'

(B.S. Walia)
Judge

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