

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

CRM-M-19759-2020
Date of Decision:-29.09.2020.

Kulwinder Singh @ Kikki

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. A.N. Walia, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, DAG, Punjab.

SANJAY KUMAR, J. (Oral)

The petitioner is the accused in FIR No.0120 dated 20.05.2019 on the file of Police Station Lopoke, District Amritsar Rural, registered under Section 61 of the Punjab Excise Act, 1914. By way of this petition filed under Section 438 Cr.P.C., he seeks pre-arrest bail.

It appears that the petitioner was initially granted interim bail by the jurisdictional Sessions Court of the learned Additional Sessions Judge, Amritsar, pending disposal of his anticipatory bail petition, *vide* order dated 01.02.2020. However, he failed to surrender before the trial Court as directed by the learned Additional Sessions Judge. In view of such non-compliance, the interim bail order was withdrawn and his anticipatory bail petition was dismissed on 20.02.2020.

By order dated 21.07.2020, this Court took note of the fact that the petitioner had failed to abide by the conditions imposed by the Sessions Court and opined that it would be appropriate to grant him one opportunity to make good the shortfall. He was accordingly directed to be released on interim anticipatory bail upon furnishing a personal bond for a sum of ₹ 40,000/- along with one surety for a like sum to the satisfaction of the Arresting/Investigating Officer.

Today, Mr.A.N. Walia, learned counsel for the petitioner, would inform this Court that the conditions imposed have been duly complied with.

Mr. Gaurav Garg Dhuriwala, learned Senior Deputy Advocate General, Punjab, would however inform this Court that the petitioner has not surrendered before the trial Court as yet.

As the alleged offence arises under the provisions of the Punjab Excise Act, 1914, and this Court is informed that the *challan* has also been filed, it would suffice at this stage if the petitioner surrenders and submits to the jurisdiction of the trial Court.

The petition is accordingly allowed to the extent of permitting the petitioner to surrender before the trial Court and submit to its jurisdiction with regard to the future course of events. The petitioner shall surrender before the trial Court on or before 15.10.2020 and shall furnish personal and surety bail bonds to the satisfaction of the trial Court pending disposal of the case.

(SANJAY KUMAR)
JUDGE

September 29, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.