

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CRM-M-21960-2020

Date of Decision: 27.11.2020

Bagga @ Jagga & another

...Petitioners

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Veenus Dhaka, Advocate, for the petitioner.

Mr. Avtar Singh Sandhu, Addl. AG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner No.2 Jashpal Singh @ Jassa has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.78 dated 15.07.2020 at Police Station Kahnuwan, District Gurdaspur under Section 61, 61(1)(14) of the Punjab Excise Act, 1914, wherein it is alleged that Bagga as well as petitioner No.2 Jashpal Singh were seen coming on a motor-cycle and were signalled to stop, but after leaving their motor-cycle, they ran away towards the fields and managed to escape. It is further the case of the prosecution that two cans containing illicit liquor were found at the spot which were poured into 80 bottles.
2. Learned counsel for the petitioner has submitted that it is highly unlikely that the petitioners would have managed to escape despite the fact that the police had prior secret information.

3. Opposing the petition, learned State counsel on instructions from ASI Manjit Singh has informed that pursuant to interim directions issued by this Court, petitioner No.2 Jashpal Singh @ Jassa has since joined investigation and is not required for any custodial interrogation.
4. Having regard to the facts and circumstances of the case and bearing in mind that the petitioner was not arrested at the spot and has since joined the investigation and is not required for any custodial interrogation, the petition, as such, is accepted and the interim directions issued by this Court vide order dated 07.08.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

27.11.2020
Vimal

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