

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

Criminal Misc.-M No.23276 of 2020
Date of Decision: November 19, 2020

Raj Kumar @ Ballu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amandeep Singh Manaise, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.112 dated 25.07.2020, under Section 61 Punjab Excise Act, 1914, registered at Police Station, Tibber, District Gurdaspur. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 21.08.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner inter alia submits that the petitioner has been falsely implicated. Recovery was allegedly effected from the cremation ground of another village, of which the petitioner is not a resident and he was not arrested at the spot. False implication is further evident from the fact that two other FIRs of the year 2019 and 2020 have been registered

against the petitioner. Since recovery has already been effected, custodial interrogation of the petitioner is not required.

Notice of motion for 19.11.2020.

Mr. P.S. Walia, AAG Punjab, accepts notice on behalf of the respondent-State and waives service.

In the meantime, the petitioner is directed to join investigation with the Investigating Officer on 07.09.2020 at 10.00 a.m. and cooperate therewith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to his compliance of the conditions enshrined under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from ASI Rachpal Singh, further states that the petitioner is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 21.08.2020 is made absolute.

November 19, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether Reportable:	Yes/No
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