

CRM-M-23350-2020
Date of decision-19.11.2020

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.135 dated 21.07.2020 under Sections 61 and 78 (2) Punjab Excise Act, 1914 registered at Police Station Dugri, District Police Commissionerate Ludhiana. 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 because he was granted interim bail by the Additional Sessions Judge, Ludhiana in an earlier FIR viz. FIR No. 177 dated 15.07.2020 registered on account of identical allegations. In the said case the petitioner was granted interim bail on 23.07.2020 and on the same date he was diagnosed with Typhoid as is evident from Pathology Report (Annexure P-4). This makes it abundantly clear that the petitioner was extremely unwell on 21.07.2020 and could not have committed the offence as alleged. Moreover,

recovery has already been effected.

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 who is assisted by ASI Dalbir Singh does not dispute this fact that the petitioner has joined the investigation and he 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.

(MANOJ BAJAJ)
JUDGE

19.11.2020

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No