

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

CRM-M-23570-2020

Date of decision:03.11.2020

Baj Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vikasdeep Singh, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.75 dated 05.08.2020 registered under Section 61 of the Punjab Excise Act, 1914, at Police Station Kabirpur (Ahlikalan), District Kapurthala.

On 20.08.2020, this Court passed the following order:-

“Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 75 dated 05.08.2020, registered under Section 61 of the Punjab Excise Act 1914, at Police Station Kabirpur (Ahlikalan), District Kapurthala.

Learned counsel for the petitioner states that no recovery has been effected from the petitioner. The allegations are that on seeing the raiding party, the petitioner ran away from place of occurrence leaving behind his motorcycle and illicit liquor. The counsel for the petitioner further states that the story carved out by the prosecution is that at the time of occurrence one sub-Inspector, two Assistant Sub-Inspectors and one Homeguard constable were on patrolling duty at 3 p.m. in the official jeep. He states that it is unbelievable that they would be unable to catch hold of the petitioner, who initially tried to

turn back his motorcycle, but it fell down and went off and then the petitioner ran away towards back side.

Notice of motion.

On the asking of this Court, Mr. H.S. Sitta, AAG, Punjab accepts notice on behalf of the respondent. He has not denied the fact that there are four officials going in the jeep as a raiding party.

Adjourned to 03.11.2020

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.”

Learned counsel for the petitioner submits that pursuant to the order dated 20.08.2020 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from S.I. Ranjit Singh, submits that the petitioner has joined the investigation and is not required for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 20.08.2020 granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

03.11.2020

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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No