

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

CRM-M-24671-2020

Date of decision: 16.12.2020

Gurjant Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. J. S. Bhinder, Advocate
for the petitioner.

Mr. Mehardeep Singh Dullat, Additional A.G., Punjab.

MANOJ BAJAJ, J. (ORAL)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No. 0205 dated 02.08.2020 under Sections 61, 78, 1-14 of Excise Act, registered at Police Station City Sunam, District Sangrur. He apprehended his arrest at the hands of Police in the above said FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 27.08.2020 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Counsel for the petitioner inter alia submits that the petitioner along with 3 others, were named in the secret information received by the police party which was specific regarding the vehicle that was carrying the country liquor. The said vehicle was allegedly stopped but none of the 4 occupants could be arrested and managed to flee. It is submitted that the petitioner is neither the owner of the vehicle nor there is any allegation that he was recognized by the police party that he was one of the 4 occupants. It is also pointed out from the heavy recovery of 47 boxes that it is physically not feasible to have such a heavy quantity in a Sedan vehicle which is already carrying 4 persons. It is further

submitted that there is no case of similar nature against the petitioner.

Notice of motion.

Mr. Nehra puts in appearance on behalf of the State and submits on instructions from SI-Darshan Singh that the antecedents of the petitioner are clear regarding any case of similar nature.

List on 05.10.2020.

In the meantime, it is directed that the petitioner shall join investigation and in the event of arrest of the petitioner, he shall be released on ad-interim bail subject to the satisfaction of the investigation officer. The petitioner shall join investigation as and when required and shall comply with the conditions laid down in 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 State counsel, on instructions from ASI Darshan Singh, further states that he is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 27.08.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

16.12.2020

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes
No