

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

CRM-M-26566-2020

Date of decision: 16.12.2020

Harmesh Singh @ Galater and another

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. J. S. Moudgil, Advocate
for the petitioners.

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

MANOJ BAJAJ, J. (ORAL)

Petitioners have 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 and 78 of Punjab Excise Act, 1914 registered at Police Station City Sunam, District Sangrur. They apprehended their arrest at the hands of Police in the above said FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 08.09.2020 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to only petitioner No. 2. The said order reads as under:-

“Counsel for the petitioners has relied upon the benefit of interim bail granted to the co-accused namely Gurjant Singh in Crl. Misc. M-24671 of 2020 on 27.08.2020 (Annexure P-2).

Notice of motion.

Mr. H.S. Sullar, DAG, Punjab accepts notice and on instructions from S.I. Darshan Singh, submits that petitioner no. 1 has a similar case also registered against him in the year 2018 apart from other cases under IPC.

Adjourned to 05.10.2020.

To be heard alongwith Crl. Misc. M-24671 of 2020.

In the meantime, State will give the details of the cases pending against petitioner no. 1. In the meantime, it is directed that the petitioner no. 2 shall join investigation and in the event of arrest of the petitioner no. 2, he shall be released on ad-interim bail subject to the satisfaction of the

investigation officer. The petitioner no. 2 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 petitioners submits that pursuant to the order passed on 08.09.2020, the petitioner No. 2 has joined the investigation and has cooperated with the police. He submits that the petitioner No. 1 though was implicated in two other cases, but, in one of those cases he stands acquitted, whereas one case is still pending trial. According to him, the custodial interrogation of the petitioner No. 1 in this case may not be necessary.

On the other hand, learned State counsel, on instructions of ASI Darshan Singh, has not disputed the fact that petitioner No. 2 has joined the investigation and is not required for the custodial interrogation for the time being. He also does not dispute the fact that the petitioner No. 1 is facing trial in the similar case.

Considering the above, the interim order dated 08.09.2020 passed in respect of petitioner no. 2 is made absolute. The prayer made on behalf of petitioner no. 1 is also allowed as his custodial interrogation is not necessary. Therefore, it is ordered that in the event of his arrest by the Arresting Officer, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting Officer/Investigating Officer. He shall join investigation as and when called for by the Investigating Officer and would abide by the conditions as specified under Section 438(2) Cr.P.C.

(MANOJ BAJAJ)
JUDGE

16.12.2020

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes
No