

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

207

**CRM-M-30265-2020
Date of decision: 25.11.2020**

BALWINDER SINGH @ BINDER

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Hoshiar Singh, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.142 dated 09.10.2019 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station City Jalalabad, District Fazilka.

While issuing notice of motion on 29.9.2020, this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation.

The petition has been opposed by learned State counsel. However, no written reply has been on behalf of the respondent-State.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case on the basis of secret

information. The petitioner was not arrested on the spot. No recovery was made from the petitioner. In compliance with order dated 29.09.2020, the petitioner has joined the investigation.

Learned State counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail and the petition may be dismissed.

However, learned State counsel has, on instructions from ASI Pritpal Singh, acknowledged that in compliance with order dated 29.09.2020 passed by this Court the petitioner has joined the investigation and submitted that his custodial interrogation is not required in the case.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tempering with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

Therefore, the petition is allowed and order dated 29.09.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall comply with the conditions enumerated under Section 438(2) (i) to (iii) of the Cr.P.C. In view of Section 438(2)(iv) read with Section 437(3)(b) of the Cr.P.C.

anticipatory bail granted to the petitioner shall also be subject to the condition that he shall not commit any similar offence under the Punjab Excise Act, 1914 after his release on anticipatory bail. In case of non-compliance of the above-said conditions, the petitioner shall not be entitled to the protection of anticipatory bail allowed to him.

25.11.2020

Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No