

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.33578 of 2020

Date of Decision: December 07, 2020

Ranjit @ Mintu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vinay Kumar, Advocate,
for the petitioner.

Mr. Harmandeep Singh Sullar, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.72 dated 20.05.2020, under Section 61 Punjab Excise Act, 1914, registered at Police Station, Sri Hargobindpur, District Batala. The petitioner apprehended his arrest at the hands of police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 24.11.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“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.72 dated 20.05.2020 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Sri Hargobindpur, District Batala.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case on the basis of secret information received. The petitioner was not arrested on the spot and no recovery was made from him. The alleged recovery of two drums containing 200 kgs. of lahan each have been planted on the petitioner. The petitioner does not have any connection with the alleged crime. The petitioner is ready to join the investigation and his custodial interrogation is not required as the alleged recovery has already been made.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. Sandeep Singh Deol, D.A.G. Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 07.12.2020.

In view of the facts and circumstances of the case, presence of the concerned SHO and Investigating Officer of the case is considered to be necessary for just and proper decision of the petition.

Accordingly, concerned SHO and Investigating Officer of the case shall remain present on that date before this Court through video conferencing.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner 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. interim 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 interim anticipatory bail. In case of non-compliance of the abovesaid conditions, the petitioner

shall not be entitled to the protection of interim anticipatory bail allowed to him.”

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 Balkar Singh, does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions, further states that the petitioner 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 24.11.2020 is made absolute.

December 07, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No