

**PUNJAB AND HARYANA HIGH COURT
CHANDIGARH**

204

CRM-M-32672-2019

Date of decision : 21.01.2020

Surjit Singh

Petitioner.....

V/s

State of Punjab

Respondent.....

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Lokesh Vohra, Advocate for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab.

ARUN KUMAR TYAGI, J. (Oral)

Prayer in the petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.0077 dated 14.07.2019 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Mamdot, District Ferozepur.

While issuing notice of motion, the petitioner was granted interim bail vide order dated 11.09.2019 by the Coordinate Bench of this Court with direction to join the investigation.

Learned State Counsel has opposed the bail application, however, no reply has been filed by the 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 on the basis of alleged secret information. No recovery was made from the petitioner and recovery was planted. There was no independent witness to the recovery and the

prosecution story as to escape of the petitioner in the presence of numerous police officials is highly doubtful. The petitioner joined the investigation and his custodial interrogation is not required.

Learned State Counsel, has acknowledged that in compliance with order dated 11.09.2019 passed by this Court, the petitioner joined investigation and submitted that his custodial interrogation is not required for effecting any further recovery.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner and the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 11.09.2019 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 abide by the conditions enumerated in Section 438 (2) of the Cr.P.C.

21.01.2020

Kothiyal

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned	Yes
Whether reportable	No