

CRM-M-38717-2020

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

CRM-M-38717-2020

Date of decision:21.12.2020

Baljinder Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Tejinder Pal Singh, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case bearing FIR No.258 dated 17.10.2020 registered under Sections 61/78(2) of the Punjab Excise Act, 1914, at Police Station Kotwali, District Patiala.

This Court, on 24.11.2020, passed the following order:

“Case is taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 258 dated 17.10.2020 under Sections 61/78(2) of the Punjab Excise Act, 1914, registered at Police Station Kotwali, District Patiala.

Learned counsel for the petitioner submits that the petitioner has not been named in the present FIR and has been involved in the present case only being the owner of Tata Safari, driven by Ramandeep Singh @ Sipra, who was apprehended on the spot and disclosed the names of Sukhwinder Singh alias Sukhi and Darshan Singh but he did not disclose the name of the petitioner. Learned counsel further submits that recovery in the present case has already been effected.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the State. He has pointed

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out that the petitioner is the owner of the vehicle in which the recovery of 420 bottles of country made liquor was effected. He further submit that the mobile phone of the petitioner was also recovered from the vehicle in question.

In the present case, co-accused Ramandeep Singh, who was apprehended on the spot, disclosed the names of Sukhwinder Singh alias Sukhi and Darshan Singh but did not disclose the name of the petitioner.

Keeping in view the above, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.

Adjourned to 21.12.2020.”

Learned counsel for the petitioner submits that pursuant to the order dated 24.11.2020 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Gurmeet Singh, submits that the petitioner has joined the investigation and is now not required for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 24.11.2020 granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

21.12.2020
ishwar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No