

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

CRM-M-40924-2019

Date of decision-11.02.2020

Daljit Singh @ Dalli

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Harshit Jain, Advocate for the petitioner.
Mr. Prabhjot Singh Walia, AAG, Punjab.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.0161 dated 04.09.2019 under Section 61 of Excise Act, 1914 registered at Police Station Dhanaula, District Barnala. The petitioner apprehended his arrest at the hands of Police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 23.09.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that FIR No.0161 dated 04.9.2019, under Sections 61/1 of the Excise Act, 1914, was registered at Police Station Dhanaula, District Barnala on the secret information, wherein it was alleged that the petitioner was coming on vehicle bearing registration No.PB-23-X-5217. Acting upon the said information, the recovery was effected from two persons, namely, Jaspal Singh @ Jassi and Daljit Singh @ Dalli, who were travelling in the said vehicle. According to him neither the petitioner was present at the spot nor the vehicle belongs to him. It is further contended that on the same day another FIR

No.0355 dated 04.9.2019, under Section 61/1/14 of Punjab Excise Act, 1914 was registered at Police Station City, Barnala, wherein the similar allegation was made, however the vehicle number was given as PB-11BQ-5493 which belongs to wife of the petitioner. He submits that in the said case the anticipatory bail has been granted to him by the Sessions Judge, Barnala on 21.9.2019. He submits that the petitioner is being falsely implicated repeatedly.

Notice of motion for 11.2.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

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 Paramjit Singh does not dispute this fact that the petitioner has joined the investigation and he 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 23.09.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

11.02.2020

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No