

217

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42677-2019

Date of decision-10.02.2020

Jagtar Singh and another

...Petitioners

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mohit Rampal, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MANOJ BAJAJ, J.

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.86 dated 13.09.2019 under Section 420 of Indian Penal Code, 1860 and Section 61 of Punjab Excise Act, 1914 registered at Police Station Bhindi Saidan, District Amritsar Rural. The petitioners apprehended their arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 04.10.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned contends for the petitioners contends that the alleged recovery of illicit liquor was effected from vehicle bearing no. NL-08-0795, which was being driven by

some unknown person and no arrest was made pursuant to that. According to him, the said vehicle does not belong to them, therefore, their custodial interrogation may not be necessary. He submits that the petitioners are not involved in any other case, who are willing to join the investigation.

Notice of motion for 10.02.2020

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

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners 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 Kuldeep Singh does not dispute this fact that the petitioners have joined the investigation and they are 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 04.10.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

10.02.2020

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No