

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-44115-2019
Date of decision-30.01.2020

Nihal Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ashok Kumar Sama, Advocate for the petitioner.
Mr. Prabhjot Singh Walia, AAG, 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.120 dated 24.08.2019 under Section 61/1 of the Punjab Excise Act, 1914 registered at Police Station Vairoke, District Fazilka. 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 31.10.2019 whereby the interim protection was extended to the petitioner. The said order reads as under:-

“As per the allegation of the prosecution, petitioner ran away from the spot and 700 litre of Lahan was recovered, but it is not discernible as to how the petitioner escaped despite the secret information by the police.

Let an affidavit of the Senior Superintendent of Police, Fazilka be filed as to whether any action has been taken against the erring police officials or not?

Adjourned to 29.11.2019 for further consideration.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the

Arresting Officer would admit him to interim bail in the present case till the

next date of hearing on his furnishing adequate bail and surety bonds to his

satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

In response to the order dated 31.10.2019, the affidavit of Senior Superintendent of Police, Fazilka has been filed which indicates that the sincere effort was made by the Police Officers to arrest the accused, however, the petitioner managed to escape after scaling the backside boundary wall of the house. It is further indicated that no action is required against the Police Officers, now. The explanation offered appears to be reasonable and is accepted.

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 Puran Chand does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Puran Chand 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 31.10.2019 is made absolute.

30.01.2020

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(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No