

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

205

CRM-M-46925-2019
Date of decision : 17.01.2020

Nanak SinghPetitioners

Versus

State of PunjabRespondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Harpreet Kaur Arora, Advocate for
Mr. R.V.S. Chugh, Advocate
for the petitioner.

Mr. Arun Kaundal, DAG, Punjab
for respondent-State.

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.110 dated 27.04.2019 registered under Section 61 of Punjab Excise Act, 1914 at Police Station Sardulgarh, District Mansa.

While issuing notice of motion, the petitioner was granted interim bail by this Court vide order dated 16.11.2019 with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

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 argued that the petitioner has been falsely implicated in the case. The petitioner was not apprehended on the spot. False recovery was planted on him. The

petitioner joined investigation in compliance with order dated 16.11.2019 passed by this court. No recovery remains to be made and his custodial interrogation is not necessary.

Learned State Counsel has acknowledged that in compliance with order dated 16.11.2019 passed by this Court, the petitioner joined investigation and submitted that his custodial interrogation is not required for effecting any further recovery.

In view of the facts and circumstances of 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 16.11.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when again called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C.

17.01.2020

Kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No