

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

**CRM-M-54461 of 2019
Date of Decision:-02.03.2020**

Amandeep Singh @ Talli

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Sonia, Advocate for
Mr. Naveen Batra, Advocate
for the petitioner.

Mr. A.P.S. Gill, DAG, Punjab.

JASGURPREET SINGH PURI 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.179 dated 02.12.2019, under Section 61/1/14 of the Punjab Excise Act, 1914, registered at police Station Chamkaur Sahib, District Rupnagar. The petitioner apprehended his arrest at the hands of Police in the above FIR.

Learned counsel for the petitioner has submitted that in the present case the petitioner was even not named in the FIR and that in the FIR there were total six persons out of which four persons were unidentified. She has further submitted that even on the bare perusal of the

FIR, it would suggest that no offence is attributed to the petitioner rather the same has been attributed to the other accused persons involved in the FIR. The petitioner was not named in the FIR. She further submitted that the name of the petitioner in this case was nominated on the basis of disclosure statement of co-accused, which as per learned counsel for the petitioner is inadmissible in evidence.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 19.12.2019 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 inter alia contends that in the present case petitioner has been falsely implicated in the case as he lives in village Machiwara, District Ludhiana and the other two co-accused are from Rupnagar from whom the recovery has been made. According to learned counsel for the petitioner, petitioner's name has been figured in FIR because he had dispute with one of the liquor contractors. He further submits that recovery of liquor was even made from one, Gurmeet Singh @ Kala and the petitioner has no connection with him in any manner.

Notice of motion for 24.02.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided

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 the investigating officer does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from the investigating officer 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 19.12.2019 is made absolute.

March 02, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No