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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.2111 of 2021(O&M)
Date of Decision: 31.03.2021

Manga Masih @ Dharminder MasihPetitioner
Vs
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up through video conferencing.

The petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.001 dated 01.01.2021 registered under Section 61 of the Punjab Excise Act at Police Station Kahnuwan, District Gurdaspur.

Learned counsel for the petitioner submits that the FIR was registered on the basis of secret information and still compliance of Section 100(4) Cr.P.C has not been done by the police.

Notice of motion was issued on 15.01.2021 and arrest of the petitioner was also stayed.

In view of above, the present petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 07.04.2021 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing adequate bail bonds/surety bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

31.03.2021

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No