

201

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.4478 of 2021 (O&M)
Decided on: 27.10.2021

Gulab Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.03 dated 06.01.2021, registered under Section 61 of the Excise Act, 1914 at Police Station Balianwali, District Bathinda.

The operative part of the order dated 11.02.2021, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“....Learned counsel for the petitioner submits that as has already been noticed by the learned Addl. Sessions Judge while dismissing a similar petition filed before that court, the contention of the petitioner was that the FIR in question has been lodged at the instance of one Balkaran Singh, due to some enmity between him and the petitioner (as contended).

He next submits that no independent witness was joined at the time of alleged recovery of lahan and to the best knowledge of the petitioner there are no proceedings

initiated under the provisions of Section 100(8) of the Cr.P.C., against any person refusing to become a witness.

Notice of motion.

Mr. Sandeep Singh Deol, learned D.A.G., Punjab, accepts notice at the asking of the court.

Upon query to learned State counsel, he submits that, as per his instructions, there is no other case registered against the petitioner.

That being so, without making any comment on the actual merits of the case at this stage, the petitioner is directed to join investigation within five days and upon him so joining if he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall, further, abide by all the conditions stipulated in Section 438 (2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

Adjourned to 22.03.2021.

A gazetted officer is directed to file a detailed reply to the petition also stating therein as to whether any proceedings were taken against any person who refused to become a witness to the alleged recovery....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 11.02.2021, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

Counsel for the State has further submitted that in compliance of the order dated 01.09.2021, the State has deposited the costs of Rs.20,000/-.

Reply on behalf of the Superintendent of Police (Headquarter), Bathinda, filed in the Court is taken on record and as per the reply, action has been taken against the erring police official.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 11.02.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

27.10.2021
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No