

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM-M-5722-2021 (O&M)

Date of decision: -17.08.2021

Gurjinder Singh @ Gagandeep Singh @ Gagna ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Narender Singh Kamboj, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

On 09.02.2021, the following orders were passed:-

“The Court has been convened through video conferencing due to Covid-19 Pandemic.

This is the second petition for grant of anticipatory bail filed under Section 438 Cr.P.C. in case FIR No. 122 dated 19.06.2020, registered under Sections 61 and 78 of the Punjab Excise Act, 1914 at Police Station Sangat, District Bathinda.

The first petition (CRM-M-23147-2020) was withdrawn on 30.09.2020 (Annexure P-3) with liberty to file a fresh one as there were certain inadvertent errors therein.

Counsel for the petitioner has contended that though the petitioner has been named in the FIR, he has neither been arrested from the spot nor any recovery has been affected from him. Counsel argues that FIR is based on secret information, which is dubious. He urges that 60 bottles of country made liquor has (sic have) been recovered from Surender Singh, co-accused, who has named the petitioner. According to the counsel such disclosure statement is inadmissible in evidence. Counsel submits that besides the present FIR, the petitioner was

involved in three other criminal cases under the Punjab Excise Act, 1914, out of which, he has been acquitted in two cases and the third case is pending trial.

Notice of motion.

On asking of the Court, Mr. Amar Ashok Pathak, Additional Advocate General, Punjab accepts notice on behalf of respondent-State.

List on 27.04.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C. ”

Learned State counsel, upon instructions, from ASI Jasbir Singh submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation.

In view of the above fact, but without commenting on the merits of the case, the present petition is allowed. Order dated 09.02.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

17.08.2021
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No