

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-5964 of 2021
Date of decision:28.07.2021

Kuldeep Singh @ Kala

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Damanjeet Bhoriwal, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

SUVIR SEHGAL, J. (Oral)

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

Through the instant petition, the petitioner seeks anticipatory bail in case FIR No.91 dated 28.05.2020 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Nathana, District Bathinda.

On 10.02.2021, following order was passed:-

“Counsel for the petitioner herein prays for grant of anticipatory bail to the petitioner, while contending, inter alia, that reading of the FIR would reflect that police had received a secret information that the petitioner herein is habitual of distilling illicit liquor at his home. He has not been nominated as an accused in the FIR that illicit liquor was found at his

home. It is not the case of the prosecution that the petitioner was apprehended distilling illicit liquor. It is further argued that no recovery is effected from the petitioner and he is ready to join the investigation.

Notice of motion.

At this stage, Ms. Rashmi Attri, A.A.G. Punjab, who is appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State and opposed the grant of anticipatory bail to the petitioner by contending that on conducting a raid, 100 liters of Lahan was recovered from the house of the petitioner and the petitioner fled away from the spot.

Adjourned to 28.07.2021.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to 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.

However, condition is imposed that in case any other FIR is registered against him, respondent-State would be at liberty to approach for cancellation of bail.”

Learned State counsel, on instructions from ASI Gian Chand submits that the petitioner has joined investigation and is no longer required for custodial interrogation. He has further instructions to submit that the petitioner is not involved in any other criminal case.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated 10.02.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

July 28, 2021
savita

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