

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CRM-M-6642-2021

Date of decision: 30.07.2021

Sabhi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jagdish Singh Mahal, 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.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No. 0066 dated 19.05.2020, registered under Section 61 of Punjab Excise Act, 1914 at Police Station Sri Hargobindpur, Police District Batala, District Gurdaspur.

On 12.02.2021, the following orders were passed:-

Heard.

Notice of motion.

Mr. Sandeep Kumar, Dy.A.G., Punjab accepts notice on behalf of the respondent State and on instructions from ASI Amrik Singh submits that the petitioner is a habitual offender as there are eight cases pending against the petitioner.

Faced with this, learned counsel for the petitioner would contend that in fact out of eight cases including the present one, he has been convicted only in one case in 2010, acquitted in four cases and three cases are under investigation. He

submits that the petitioner is ready and willing to join the investigation in the present case.

Adjourned to 30.07.2021.

Meanwhile, petitioner is directed to join the investigation within a period of one week and on doing so, the petitioner be released on interim bail 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 incorporated under Section 438(2) Cr.P.C.”

Learned State counsel, upon instructions, from ASI Amrik Singh submits that 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 12.02.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

The petitioner shall furnish an undertaking to the effect that henceforth he will not get involved in any criminal activity. In case, he violates the undertaking, it shall be open for the prosecution to seek cancellation of the bail.

(SUVIR SEHGAL)
JUDGE

30.07.2021
Kamal

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