

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

208

CRM-M-6855 of 2021

Date of Decision: 17.03.2021

Jagdeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Ms. Harpreet Kaur Arora, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 15.02.2021, the following order had been passed by this court:-

“Case heard by video conference.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.0007, dated 21.01.2021, having been registered at Police Station Sadar Raikot, District Ludhiana, alleging therein the commission of offences punishable under Sections 61, 78(2), 1 and 14 of the Punjab Excise Act, 1914.

Learned counsel for the petitioner submits that the petitioner not having been named in the FIR at all and having been allegedly named thereafter on a disclosure statement made by a co-accused in police custody, he has been wholly falsely roped in.

Without making any comment on the actual merits of that contention notice of motion is issued.

On the asking of the Court, Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice on behalf of the respondent State and very fairly submits, on instructions from ASI Bhupinder Singh, that the

factual position is not disputed that the petitioner has been named on a disclosure statement made by the co-accused who is stated to have been arrested at the spot with 40 bottles of “illegal liquor”.

That being so, the petitioner is directed to join investigation within 5 days, and if, upon him so joining, he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

He shall also comply with all 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 the petitioner in investigation, in terms of the order of this Court.

Adjourned to 17.03.2021.

A copy of the petition be e-mailed to learned State counsel today itself by learned counsel for the petitioner.”

Learned State counsel today submits, on instructions from ASI Bhupender Singh, that the petitioner has joined investigation but since he was named as a co-accused by the person who was apprehended with 40 bottles of illicit liquor, he does not deserve to be admitted to bail.

Having considered the matter, since the petitioner is stated to have been named only on an alleged disclosure statement made in police custody, without making any comment on the actual merits of the case, the order passed on 15.02.2021 is made absolute. The petition thus stands allowed.

March 17, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No