

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

(201)

CRM-M-7648-2021.

Date of Decision:-09.11.2021.

Gurdeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ramandeep, Advocate for the petitioner.

Mr. A.K. Kaundal, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.0005 dated 02.01.2021 under Section 61 of Act 1 of Punjab Excise Act, 1914, registered at Police Station Sadar Samana (wrongly mentioned in FIR as Samana), District Patiala, Punjab.

On 27.08.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The case has been taken up for hearing through video conferencing.

Notice of motion was issued on 18.02.2021 and the arrest of the petitioners was stayed. The FIR was registered on the basis of secret information still the mandatory requirement of

Section 100(4) Cr.P.C. was not complied with. There was recovery of 30 litres of lahan from the house of the petitioner.

In view of the facts and circumstances of the case, it would be just and appropriate to direct the petitioner to appear before the SHO/Investigating Officer to join investigation on 02.09.2021 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion in the merits of the case. The case shall be decided on the merits on the adjourned date.

Adjourned to 09.11.2021.”

Learned counsel for the petitioner has submitted that in pursuance of the above order, the petitioner has joined the investigation and is not involved in any other case.

Learned State counsel, on instructions from ASI Charanjit Singh, has submitted that the petitioner has joined the investigation.

Keeping in view the above-said facts and circumstances, moreso, the fact that the petitioner has joined the investigation and is not involved in any other case, the present petition for grant of anticipatory bail is allowed and the interim order dated 27.08.2021 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed

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independently of the observations made in the present case which are only
for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

November 09, 2021.
sandeep
Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No