

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

CRM-M-8486-2021 (O&M)

Date of decision: 23.02.2021

Tejinder Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Lakshay Bector, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.84 dated 25.07.2020, registered under Sections 61, 78(2) of the Punjab Excise Act, 1914, at Police Station Julkan, District Patiala.

Learned counsel for the petitioner contends that a naka was laid down on the basis of a secret information and the alleged recovery has been effected from the truck, which was being driven by co-accused-Pragat Singh. The petitioner was not arrested from the spot but he was indicted on the disclosure statement made by the co-accused, namely, Pargat Singh, who had already been granted anticipatory bail. Being the owner of the truck, the petitioner's name has come forward in the present case and no recovery whatsoever has been effected from him.

Notice of motion.

On the asking of this Court, Mr. Ramandeep Sandhu, Sr.

D.A.G., Punjab, accepts notice on behalf of respondent-State.

Learned State counsel on instructions from A.S.I. Lakhvir Singh states that neither the recovery has been effected from the petitioner nor he was apprehended at the spot. The petitioner was alleged to be following the truck from which the recovery has been effected.

I have heard the learned counsel for the parties.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, this Court finds merit in this petition and the same is allowed. The petitioner is directed to join the investigation as and when called upon to do so and if he is sought to be arrested, he shall be released on anticipatory bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

It is made clear that if pursuant to and in compliance with this order, the petitioner does not cooperate with the investigating agency, the investigating agency would be liberty to move an appropriate application for cancellation of bail.

23.02.2021

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No