

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM-M-6205-2020

Date of decision: 02.09.2021

Binder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Chandan Singh Rana, 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. 8 dated 12.01.2020, registered under Section 61(1) of Punjab Excise Act, 1914, at Police Station Bilga, District Jalandhar.

While granting interim protection to the petitioner on 25.02.2020, this Court passed the following order:-

“Learned counsel for the petitioner submits that the allegation against the petitioner is that he along with co-accused were distilling liquor near a river bank and huge quantity of Lahan was recovered from the spot. He further submits that Ranjit Singh was apprehended at the spot and the present petitioner was not involved and that there is no other case against the petitioner.

Learned State counsel, on instructions from ASI Rajinder Singh, has submitted that Working Still,

drugs and 120 liters approximately of Lahan were recovered from the spot.

List on 04.05.2020.

Meanwhile, the petitioner shall join the investigation and would be present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned State counsel, upon instructions, from ASI Harnek Singh submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation. As per his instructions, after the registration of the present FIR, the petitioner has been named as an accused in FIR No.223 dated 24.11.2020 registered for offence under Section 61 of the Punjab Excise Act, 1914 at Police Station Bilga, District Jalandhar.

In view of the above fact, but without commenting on the merits of the case, the present petition is allowed. Order dated 25.02.2020 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

02.09.2021
Kamal

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