

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM-M-7079-2020
Date of decision:- 13.08.2021

Parminder Singh @ Goldy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vipin Mahajan, 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.10 dated 26.01.2020 under Section 61 of Punjab Excise Act, 1914, registered at Police Station Sadar, Batala, District Gurdaspur, Punjab.

On 19.02.2020, the following order was passed:-

“Counsel for the petitioner has submitted that FIR No.9 dated 26.01.2020 (Annexure P-2) was registered against him under Sections 307, 427, 34 of IPC and Sections 25 and 27 of the Arms Act. The contents of the FIR as recorded show that the petitioner was travelling in a car bearing No. PB-23M-8475 from which he hit the car of the complainant and fired shots. When his car did not re-start, he ran away after leaving

the car at the spot. This incident took place at 06:30 a.m. By order dated 01.02.2020 (Annexure P-3) the petitioner was granted anticipatory bail which was subsequently made absolute vide order dated 07.02.2020 (Annexure P-4). On the same date another FIR under Sections 61-1-14 of the Punjab Excise Act, 1914 was registered against him at 4:15 p.m. which shows that on the search of the said abandoned car 15 boxes of English Liquor, which was meant for sale in Arunachal Pradesh, were recovered. Application for anticipatory bail filed by the petitioner in the second FIR was rejected by the Sessions Court vide order dated 07.02.2020.

The submission of the counsel is that once the car had been abandoned at the spot at 06:30 a.m., there was ample opportunity for the complainant to plant the boxes of liquor and get another FIR registered against him under the Punjab Excise Act, 1914.

Notice of motion for 29.04.2020.

Meanwhile, the petitioner shall join the investigation and would come 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 Gurdial Singh submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation. He has further instructions to state that

In view of the above fact, but without commenting on the merits of the case, the present petition is allowed. Order dated 19.02.2020 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

13.08.2021
Kamal

(SUVIR SEHGAL)
JUDGE

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