

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-12529-2021 (O&M)

Date of Decision:- 29.7.2021

Joginder Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Neeraj Madaan, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Jeet Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.76, dated 18.8.2020, Police Station Amir Khas, District Fazilka, under Section 61-1-14 of the Punjab Excise Act.
2. At the time of issuance of notice of motion on 18.3.2021 the following order was passed:

“Learned counsel for the petitioner contends that as per the case of the prosecution a secret information

was received to the effect that Sukhchain Singh and Joginder Singh (petitioner) indulged in distilling illicit liquor and sell the same. Learned counsel has submitted that the police claimed that a raid was conducted upon receipt of said information and a working still was recovered from the house of co-accused Sukhchain Singh. Learned counsel has submitted that the petitioner was never ever apprehended at the spot and in fact even the coaccused was not apprehended, which clearly shows that the petitioner has been falsely implicated.

Notice of motion for 29.07.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel, upon instructions from ASI Jeet Singh, has informed that pursuant to interim directions, the petitioner has since joined investigation. It has also been informed that the petitioner happens to be involved in three other cases including 1 case under Excise Act.
4. I have considered rival submissions addressed before this Court.
5. Having regard to the facts and circumstances of the case especially that the petitioner has already joined investigation and that the recovery has already been effected, custodial interrogation of the

petitioner is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 18.3.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

29.7.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No