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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.10668 of 2020
Date of Decision:07.09.2021

KALA SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr.Suresh Singla, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

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

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.11 dated 22.01.2020 registered under Section 61 of the Punjab Excise Act, at Police Station Maur, District Bathinda.

On 02.03.2021, following order was passed:-

“It is inter alia argued that there is alleged recovery of 50 liters of Lahan from the residence of the petitioner herein. It is submitted that he was not present at the spot and there is no other case pending against him. It is also contended that no recovery is to be

effected from the petitioner.

Adjourned to 07.09.2021.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, in the event of arrest the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(JAISHREE THAKUR)

March 02, 2021

JUDGE”

vijay saini

The alleged recovery is of 50 liters of Lahan from the house of the petitioner. FIR was lodged on the basis of secret information. Compliance of Section 100(4) Cr.P.C would be debatable.

Learned counsel for the petitioner submits that the petitioner was not present at the spot and he has no antecedent behaviour of criminal activity. Nothing is to be recovered from the petitioner.

Learned counsel for the petitioner further submits that in compliance of the order dated 02.03.2021, petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel on instructions from HC Ram Singh admits the aforesaid fact and submits that the petitioner has joined the investigation on 08.03.2021 and his presence is no more required for further investigation in the case. Challan has already been submitted.

In view of aforesaid factual position, the interim order dated 02.03.2021 is made absolute. However, petitioner shall

keep on appearing before the trial Court regularly.

Petition stands disposed of.

07.09.2021
Amandeep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No