

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

CRM-M-11615-2020
Date of decision: 25.08.2021

Gurtej Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Tarun Singla, Advocate
for the petitioner.

Mr. H. S. Multani, AAG, Punjab.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 0020 dated 27.02.2020, registered under Section 61 of Excise Act, 1914 at Police Station Nandgarh, District Bathinda, Punjab.

On 19.03.2020, the following order was passed:

“Notice of motion for 27.07.2020.

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 counsel for the petitioner submits that the petitioner, in pursuance to the order dated 19.03.2020, the petitioner has already appeared

before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the petitioner further submits that as per allegations in the FIR, the police on receiving a secret information recovered 50 litres of Lahan. Learned counsel for the petitioner further submits that recovery has already been effected and the petitioner was not arrested on the spot and he has joined the investigation and is no more required for any further investigation.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position.

Learned State counsel submits that in case the petitioner is still required for further investigation, liberty be granted to issue a notice in writing.

In view of the above, the petition is allowed and the order dated 19.03.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C. and it will be subject to a condition that in case the petitioner is still required for any further investigation, the Investigating Officer will issue a notice in writing.

25.08.2021
Chetan Thakur

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No