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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17419-2021
Date of decision-30.11.2021

ANIL KUMAR @ NEELA

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. M.S. Saini Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.45 dated 09.04.2021, under Section 61 Punjab Excise Act, 1914, registered at Police Station Sadar Hosiarpur, Punjab. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 23.04.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.45 dated 09.04.2021 registered under Section 61 of Punjab Excise Act, 1914 at Police Station Sadar Hoshiarpur Punjab.

Learned counsel for the petitioner inter alia contends that it was on the basis of secret information the petitioner came to be nominated as an accused on the allegations that he used to get liquor without valid permit from the Chandigarh and keep huge quantity of liquor so procured in a house taken on rent from one Subhash Charan Dass. Learned counsel submits that neither did he run away from the spot on seeing the police nor was he apprehended on the spot. Still further, no incriminating articles were recovered from the spot at the time of the alleged raid by the police party which could in any way link him with the alleged crime. He further submits that in compliance of order of the learned trial Court, the petitioner did join the investigation, however, the interim bail granted by the trial Court was dismissed on the ground that he had not been cooperating with the investigating agency. Learned counsel submits that the petitioner is willing to join the investigation and cooperate with the investigating agency.

On a pointed query put to the learned counsel as to whether the petitioner was involved in any other case of similar nature, his reply was in the negative.

Notice of motion for 19.07.2020.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.PC.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Daljit Kumar does not dispute this fact that the petitioner has joined the investigation and

he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 23.04.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

30.11.2021

Vipin kumar

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No