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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18326-2021

Date of Decision: 02.08.2021

CHARANJIT SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. L.S. Mann, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G. Punjab.

RAJ MOHAN SINGH, J. (Oral)

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

Petitioner seeks grant of anticipatory bail u/s 438 Cr.P.C. in case bearing FIR No.101 dated 19.05.2020 registered under Section 61 of Punjab Excise Act 1914, PS. Mehatpur, District Jalandhar Rural.

On 13.05.2021, following order was passed by this Court:-

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

Vide order dated 11.05.2021, learned State counsel sought time to verify involvement of the petitioner in other cases under Excise Act.

Learned State counsel on instructions from ASI Sarwan Singh states that the petitioner is not involved in any other case under Excise Act, but he is involved in one NDPS case and one case under IPC.

Learned counsel for the petitioner contends that the FIR was registered on the basis of secret information, but the police has not complied with the mandatory requirement of Section 100(4) Cr.P.C. The alleged recovery has been effected from the bank of the river and the alleged site is not in conscious possession of the petitioner. Petitioner has been nominated on the basis of disclosure statement of co-accused Veeru who has been arrested from the spot.

Notice of motion for 02.08.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 18.05.2021 at 11.00 A.M. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on merits on the adjourned date.”

Learned counsel for the petitioner submits that in

pursuance of order dated 13.05.2021 the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel on instructions from SI Sahil Chaudhary admits the aforesaid fact and further submits that the petitioner shall join the investigation to the entire satisfaction of the Investigating Officer and his presence is no more required for any custodial interrogation.

In view of above, order dated 13.05.2021 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

August 02, 2021 <i>sangeeta</i>	(RAJ MOHAN SINGH)	
	JUDGE	
	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No