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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M-19722 of 2021

Date of decision : August 26, 2021

Gurkirat Singh @ Toni

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. R. K. Arya, Advocate
for the petitioner.

Mr. V. G. Jauhar, Senior DAG., Punjab.

(Through Video Conferencing)

Harsimran Singh Sethi, J (oral).

The petitioner is seeking anticipatory bail in FIR No. 35 dated 13.3.2021 under Sections 61/1/14 of the Punjab Excise Act, 1914 at Police Station Raja Sansi, District Amritsar Rural.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by a co-ordinate Bench of this Court dated 18.05.2021. Order dated 18.05.2021 is as under:-

“This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Learned counsel for the petitioner inter alia submits that petitioner has been falsely implicated in FIR No. 35 dated 13.03.2021, registered under Section 61/1/14 of the Punjab Excise Act, Police Station Raja Sansi, District Amritsar Rural, at the instance of one Hardev Singh. The alleged recovery has not been made from the residence of the petitioner but from that of the petitioner's neighbours namely Bhagwant Singh, Sukhvir Singh and Gurvir Singh, who are involved in other similar

criminal cases.

Notice of motion.

Ms. Samina Dhir, DAG, Punjab, accepts notice on behalf of the State. Learned counsel for the State, on instructions from ASI Subhash Chander, submits that the recovery was effected from the area adjacent to the petitioner's residence and the same is owned by him. She, however, prays for some time to seek instructions regarding involvement of the neighbours in similar cases as mentioned above. It is verified that petitioner is not involved in any other criminal case.

At request of learned counsel for the State, adjourned to 26.08.2021.

Petitioner, in the meanwhile, shall appear before the Investigating Officer and join investigation. In the event of his arrest, petitioner shall be released on bail to the satisfaction of Investigating Officer. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C. ”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Rakesh Kumar states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 18.05.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438 (2) Cr.P.C. He shall also join investigation as and when call upon to do so.

In case at any given point of time hereinafter, it is felt by the

investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

This petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

August 26, 2021

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No