

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226

CRM-M-26898-2021

Date of Decision : 04.10.2021

Bikkar Singh

...Petitioner

Versus

State of Punjab

...Respondent

(Through Video Conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Viranjeet Singh Mahal, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.80 dated 25.05.2021 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Sardulgarh, District Mansa.

Learned counsel for the petitioner submits that the petitioner has joined investigation in terms of order passed by a Coordinate Bench of this Court on 14.07.2021. Order dated 14.07.2021 is as under:-

“Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.80 dated 25.05.2021, registered at Police Station Sardulgarh, District Mansa, under Section 61 of the Punjab Excise Act, 1914.

Learned counsel for the petitioner contends that as per the prosecution version, the police had raided the

spot while acting on a tipoff, but the petitioner had not been arrested at the spot. The recovery of 50 *litre* of *lahan* and 12 bottles of illicit liquor, had allegedly been effected from the joint family residence of the petitioner. Moreover, the petitioner was not present at the spot at the time of the alleged recovery. The petitioner is not involved in any other case, at least of a similar nature.

Notice of motion.

On the asking of this Court, Mr. Avtar Singh Sandhu, Addl. A. G. Punjab, accepts notice on behalf of the respondent-State, and seeks time to file a status report.

On his request, adjourned to 04.10.2021.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of Cr.P.C.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Deep Singh, states that in terms of the order passed by a Coordinate Bench of this Court, reproduced before, the petitioner has joined the investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 14.07.2021 passed by a Coordinate Bench of this Court 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

called 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 co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

October 04, 2021

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No