

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

201

CRM-M-29434 of 2021
Date of decision : 02.11.2021

Mangat Singh

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present : Mr.Raman Goklaney, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab

Amol Rattan Singh, J.

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR No.0142, dated 30.6.2021, having been registered at Police Station City-1, Abohar, District Fazilka, alleging therein the commission of an offence punishable under Section 61 of the Punjab Excise Act, 2014.

On 28.7.2021, the following orders had been passed by this Court:-

“CRM-22197 of 2021

The application is allowed. A photocopy of the order dated 15.7.2021 passed by the learned Additional Sessions Judge, Fazilka, in BA no.1239 of 2021 is taken on record as Annexure P-3, with exemption from filing a certified copy thereof, subject to all just exceptions.

CRM-M-29434 of 2021

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.142, dated 30.6.2021, having been registered at Police Station City-1, Abohar, District Fazilka, alleging therein the commission of an offence punishable under Section 61 of the Punjab Excise Act, 1914.

Learned counsel for the petitioner submits that the petitioner is 18 years old and he has no concern whatsoever with Palwinder Singh (as contended) who allegedly was caught at the house of the petitioner with 250 bottles of illicit/illegal liquor, with him further submitting that there is no other criminal case registered against the petitioner.

He next submits that it has not even been stated anywhere that any independent witness was even attempted to be joined at the time when the raid was conducted, in terms of Section 100(4) of the Cr.P.C. and consequently the entire raid is “planted on the petitioner” only because there are such like cases registered against his father.

Notice of motion.

Mr. Ramdeep Partap Singh, learned DAG, Punjab, accepts notice at the asking of the court and submits in terms of the FIR.

He, of course, upon query, does not deny that as per his instructions, there is no other criminal case registered against the petitioner.

That being so, without making any comment on the actual merits of the case, the petitioner is directed to join investigation within one week and upon him so joining if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C. If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

A gazetted officer is directed to file a reply to the petition, stating also therein specifically as to whether the house in question belongs to the petitioner, who is stated to be 18 years old, or his father, and whether there is found to be any contact, telephonically etc., between the petitioner and the aforesaid Palwinder Singh.

Of course, it shall also be explained as to under what provision of law, no witness was even attempted to be joined in the raid alleged to have been conducted and if (as is usually stated by the police, though not in this case) some person who was attempted to be joined as such but refused to do so, no proceedings in terms

of sub-Section (8) of Section 100 of the Cr.P.C. have been initiated. Adjourned to 7.9.2021.”

Though in the reply filed by the D.S.P. Abohar, dated 02.09.2021, he has sought dismissal of the petition (and thereby obviously, vacation of the interim order), learned State counsel submits today on instructions from ASI-Baldev Singh that the petitioner’s custodial interrogation at least is not required.

He further submits that as per his instructions, there is no other criminal case registered against the petitioner.

That being so, the D.S.P. Abohar, having annexed along with his affidavit, a list of FIRs registered against the family members of the petitioner (as contended therein), with the petitioner being 18 years old, without making any comment on the merits of the case, the petition is allowed and the interim order dated 28.07.2021 passed by this Court is made absolute, on the same terms and conditions.

02.11.2021
sd

(AMOL RATTAN SINGH)
JUDGE

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