

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

207

**CRM-M-30417-2020
Date of decision: 07.04.2021**

Karamjeet Chand

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of anticipatory bail in case FIR No.213 dated 14.09.2020 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Sadar Nabha, District Patiala.

As per the prosecution version on 14.09.2020, the police party headed by ASI Baljinder Kaur conducted raid at piece of land with motor owned by NRI Romi in Village Rohta on the basis of secret information leading to registration of the above said FIR against the petitioner and recovery of 80 litres of lagan was made from the said place but the petitioner managed to escape therefrom.

Vide order dated 13.10.2020, Co-ordinate Bench of this

Court had granted interim anticipatory bail to the petitioner with direction to join the investigation.

The petition has been opposed by the learned State Counsel in terms of status report filed by way of affidavit of Rajesh Kumar Chhibber, PPS, Deputy Superintendent of Police, Sub Division, Nabha, District Patiala.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was not apprehended on the spot and no recovery was effected from him. Alleged recovery of 80 litres of lahan was falsely planted on him. In compliance with order dated 13.10.2020, the petitioner has joined the investigation. The petitioner may be granted anticipatory bail as his custodial interrogation is not required in the present case.

On the other hand, learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail and the petition may be dismissed.

However, learned State Counsel has, on instructions from HC Amrinder Singh, acknowledged that in compliance with order dated 13.10.2020 passed by Co-ordinate Bench of this Court, the petitioner has joined the investigation and that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation

of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

Therefore, the petition is allowed and order dated 13.10.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall comply with the conditions enumerated under Section 438(2) (i) to (iii) of the Cr.P.C. In view of Section 438(2)(iv) read with Section 437(3)(b) of the Cr.P.C. anticipatory bail granted to the petitioner shall also be subject to the condition that he shall not commit any similar offence under the Punjab Excise Act, 1914 after his release on anticipatory bail. In case of non-compliance of the above-said conditions, the petitioner shall not be entitled to the protection of anticipatory bail allowed to him.

07.04.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No