

CRM-M-35781-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35781-2021.
Date of Decision:-12.10.2021.

Mukhtiar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Amit Arora, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a first petition filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioners in FIR No.68 dated 23.07.2021 registered under Section 61 of the Punjab Excise Act, 1914, at Police Station Sarai Amant Khan, District Tarn Taran.

On 01.09.2021, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner, inter alia, contends that in the present case, the alleged raid has been conducted without complying with the provisions of Section 100 (4) Cr.P.C. and for the said purpose, reliance has been placed upon the orders passed by the Coordinate Bench of this Court. One such order is dated

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22.07.2021 passed in CRM-M-3864-2021 titled as Surjeet Singh Vs. State of Punjab.

Learned counsel for the petitioner has also submitted that no videography of the alleged raid has been conducted in the present case.

Notice of motion for 12.10.2021.

On the asking of the Court, Mr. P. S. Walia, Asstt. A.G., Punjab, appears and accepts notice on behalf of respondent- State and stated, on the instructions of SI Dilbag Singh that neither the provisions of Section 100 (4) have been complied with nor any videography has been made.

Thus, in the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under section 438 (2) Cr.P.C.”

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions, has submitted that the petitioner has joined the investigation and is not required for further custodial interrogation.

Keeping in view the above said facts and circumstances, more so, the fact that the petitioner has already joined the investigation, the present petition is allowed and the interim order dated 01.09.2021 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed

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independently of the observations made in the present case which are only
for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

October 12, 2021.

Davinder Kumar

Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No