

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

(234)

CRM-M-36241-2021.
Date of Decision:-08.11.2021.

Sukhwinder Singh alias Soni

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Chandan Singh Rana, Advocate for the petitioner.

Mr. A.K. Kaundal, DAG, Punjab.
(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.78 dated 09.05.2021 under Sections 61/1/14 of the Excise Act, registered at police Station Ladhowal, District Ludhiana.

On 03.09.2021, this Court was pleased to pass the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.78 dated 09.05.2021 registered under Sections 61/1/14 of the Excise Act, at Police Station Ladhowal, District Ludhiana.

Learned counsel for the petitioner inter alia contends that the alleged recovery is from near the Satluj Dariya and

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the area from where the recovery has been made even as per the prosecution version is not owned by the petitioner. It is further submitted that the petitioner was not apprehended at the spot and Charanjit Singh who was apprehended at the spot has been granted the regular bail. With respect to the three other cases, it has been submitted that in two cases, i.e. in FIR No.2 of 2012 and FIR No.75 of 2020, the petitioner has already been released on bail and in the third FIR i.e. FIR No.36 of 2021, the petitioner is in the process of filing the application for grant of anticipatory bail.

Learned counsel for the petitioner has relied upon the order dated 08.05.2019 passed in CRM-M-6131-2019, order dated 25.08.2021 passed in CRM-M-55511-2019, order dated 03.11.2017 passed in CRMM-33101-2017, and order dated 03.02.2020 passed in CRM-M-36317-2019, to contend that Coordinate Bench of this Court has granted the anticipatory bail in cases where the petitioner has not been apprehended at the spot, moreso when the recovery is from the place which is not even owned by the petitioner and even in case where the accused persons are involved in other cases.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 08.11.2021.

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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 order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Rajesh, has submitted that the petitioner has joined the investigation.

Keeping in view the above-said facts and circumstances, moreso, the fact that in pursuance of the order dated 03.09.2021, the petitioner has joined the investigation, the present petition for grant of anticipatory bail is allowed and the interim order dated 03.09.2021 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 independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

November 08, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No