

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CRM No. M-37537 of 2021
Date of Decision : 09.11.2021

Dalbir Chand alias Chunni

....Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Gagandeep Singh, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 74 dated 02.07.2021 registered under Section 61, Punjab Excise Act, 1914 at Police Station Taragarh, District Pathankot.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order dated 22.09.2021 passed by a Co-ordinate Bench of this Court. Order dated 22.09.2021 is as under:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 438 Cr.P.C. is for grant of pre arrest bail to the petitioner in case FIR No.74 dated 02.07.2021 registered under Section 61, Punjab Excise Act, 1914 at Police Station Taragarh, District Pathankot.

Learned counsel contends that the petitioner has been implicated in a false case with the FIR having been registered on the basis of secret information, that, the accused was not

apprehended at site and is stated to have fled from the place of incident after abandoning the scooter, petitioner does not own the scooter in question, nor was he identified and apart from the secret information, there is no material to connect the petitioner with the commission of the offence.

Notice of motion.

Mr. Sandeep Singh Deol, learned DAG, Punjab, accepts notice and confirms that apart from the secret information, there is no other material to connect the petitioner with the commission of the offence.

Adjourned to 06.10.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail, subject to his furnishing bail/surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions envisaged under Section 438 (2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated.”

Learned State counsel on instructions from ASI Sat Pal states that in terms of the order of a Co-ordinate Bench of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 22.09.2021 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.

November 09, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*