

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM-M-39940-2021

Date of Decision : December 16, 2021

Sher Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Davinder Singh Khurana, Advocate, for
Mr. Rajinder 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. 94 dated 29.07.2021 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Sadar Jalalabad, District Fazilka.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by the Coordinate Bench of this Court dated 24.09.2021. Order dated 24.09.2021 is as under:-

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

Learned counsel for the petitioner contends that though the FIR was registered on the basis of secret information, but the police has not joined any independent witness in terms of Section 100(4) Cr.P.C. Presence of officials from Excise Department cannot advance the case of prosecution in terms

of aforesaid mandatory requirement. In one of the case bearing FIR No.90 dated 29.03.2018, stand of the prosecution was found to be unsustainable as the petitioner was found to be admitted in the hospital on the day on which he was allegedly shown to have run away from the site.

Notice of motion for 16.12.2021.

Till the next date of hearing, as one time arrangement, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 29.09.2021 at 11.00 A.M. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion in the merits of the case. The case shall be decided on the merits on the adjourned date.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Mukhtiar Singh, states that in terms of the order of the Coordinate Bench of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 24.09.2021 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 cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

December 16, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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