

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-41129-2021
Date of Decision : 22.11.2021

Ajay Kumar

...Petitioner

Versus

State of Punjab

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral

Petitioner is seeking anticipatory bail in FIR No.176 dated 01.09.2020 registered under Section 61 of the Punjab Excise Act, 1914, at Police Station Khuhi Khera, District Fazilka.

Learned counsel for the petitioner submits that the petitioner has joined investigation in terms of the order passed by this Court on 01.10.2021. Order dated 01.10.2021 is as under:-

Present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.176 dated 01.09.2020, registered under Section 61 of the Punjab Excise Act, 1914, at Police Station Khuhi Khera, District Fazilka. Learned counsel for the petitioner argues that the present FIR was registered on the basis of a secret information wherein it is alleged that accused, who were driving the cars bearing registration No.DL-4CAH-2438 as well as bearing registration No.DL-8296 ran away on seeing

the police party. Learned counsel for the petitioner further argues that none of the cars, which have been taken into custody by the police, belongs to the petitioner and he was not arrested from the spot and nothing is to be recovered from him, hence, as the petitioner is ready to join and cooperate the investigation, he may be extended the benefit of anticipatory bail.

Notice of motion for 22.11.2021.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that though it is correct that the petitioner was not arrested from the spot, but there is another case registered against the petitioner, which shows his antecedents. I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the petitioner was not arrested at the spot and none of the vehicles, which were confiscated by the police, carrying illicit liquor belongs to the petitioner, the purpose of investigation will be achieved in case the petitioner is directed to join the investigation and cooperate.

Hence, the petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

- (i) That he shall make himself available for interrogation by the police officer as and when required.
- (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.
- (iii) That he shall not leave India without prior permission of the Court.
- (iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Makhan Singh, states that in terms of the order passed by this Court reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, order dated 01.10.2021 passed by this Court 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 22, 2021

(HARSIMRAN SINGH SETHI)

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JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No