

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

CRM-M-37160-2020(O&M)

Date of decision : 12.01.2021

Darshan Singh @ Tahni Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Aakash Singla, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

On 11.11.2020, the following order was passed:

“Heard through video conferencing.

This is a petition under section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.98 dated 30.05.2020 under Section 61 of the Punjab Excise Act, 1914 registered at Police Station Talwandi Sabo, District Bathinda.

The relevant facts are that the present FIR has been registered on the basis of a secret information and on raiding the premises of the petitioner, 20 litres of Lahan is alleged to have been recovered. The petitioner, admittedly, was not apprehended at the spot.

Learned counsel for the petitioner has contended that the FIR has been registered merely on the basis of the secret information and the petitioner was neither seen at the time

of the raid nor was he apprehended at the spot. It has further been contended that since the recovery has been effected from the residence of the petitioner it cannot be said that he was found in conscious possession of the same. The learned counsel for the petitioner would further contend that the petitioner is not involved in any other case.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Senior Deputy Advocate General, Punjab has joined the session through video conferencing and accepts notice on behalf of the respondent-State.

List on 12.01.2021.

Meanwhile, the petitioner is directed to join investigation before the Investigating Officer and would come present as and when called for. In the event of arrest, the petitioner shall be admitted to bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

Learned counsel for the petitioner would contend that pursuant to order dated 11.11.2020, the petitioner has since joined the investigation and is fully cooperating.

Learned counsel for the State on instructions from ASI Dharambir has stated that the petitioner has since joined the investigation and has fully co-operated and he is no longer required for further investigation at this stage.

In view of the above, the order dated 11.11.2020 is made absolute. The petitioner shall, however, join investigation as and when

called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

Disposed off, accordingly.

12.01.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO