

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(205)

CRM-M-42421-2021

Date of Decision : December 09, 2021

Kulwant Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Tushar Wadhwa, Advocate, for  
Mr. Kartik Gupta, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

**HARSIMRAN SINGH SETHI J. (ORAL)**

The petitioner is seeking anticipatory bail in FIR No.118 dated 17.09.2021 registered under Sections 61-1-14 of the Punjab Excise Act, 1914 at Police Station Chabbewal, District Hoshiarpur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 08.10.2021. Order dated 08.10.2021 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.118 dated 17.09.2021 registered under Sections 61-1-14 of the Punjab Excise Act, 1914 at Police Station Chabbewal, District Hoshiarpur.*

*Learned counsel for the petitioner submits that the petitioner has been roped in the present case on the basis of disclosure statement of the co-accused Rajinder Kumar.*

*Learned counsel for the petitioner further submits that the petitioner has nothing to do with the allegations and the recovery of the liquor has already been done, therefore, he be extended the benefit of anticipatory bail as he is ready to join the investigation and cooperate with the same.*

*Notice of motion.*

*Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.*

*Learned counsel for the respondent-State submits that the quantity of the illicit liquor recovered is huge and according to the co-accused, the recovered liquor was purchased by him from the petitioner and the modus operandi as to from where the petitioner got the same, is yet to be unearth and therefore, the custodial interrogation of the petitioner is necessary.*

*I have heard learned counsel for the parties and have gone through the record with their able assistance.*

*Once, the petitioner was not present at the spot and no recovery has been done from the petitioner and he has been involved in the present FIR on the basis of disclosure statement, the purpose of investigation will be achieved, in case, the petitioner is directed to join the investigation and cooperate with the same.*

*As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.*

*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 his/her satisfaction 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.*

*Adjourned to 09.12.2021.*

*It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”*

Learned State counsel, who is present in the Court, on instructions from ASI Neeraj Kumar, states that in terms of the order 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 08.10.2021 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 09, 2021**

*harsha*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No