

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM-M-42674-2021

Date of Decision : December 09, 2021

Manoj Angi @ Manoj Kumar @ Kali

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shivraj Angi, 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.176 dated 01.09.2020 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Khui Khera, District Fazilka.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 11.10.2021. Order dated 11.10.2021 is as under:-

“The 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 Khui Khera, District Fazilka.

Learned counsel for the petitioner argues that in the

present case, the petitioner was not present at the spot and even the car which has been allegedly recovered carrying liquor does not belong to the petitioner. Learned counsel for the petitioner submits that the co-accused namely, Ajay Kumar, against whom the similar allegations have been alleged, has already been extended the benefit of anticipatory bail by this Court while passing order in CRM-M-41129 of 2021 on 01.10.2021 and, therefore, the petitioner who is ready to join and cooperate in investigation may kindly be granted the benefit of anticipatory bail.

Notice of motion for 09.12.2021.

Mr. Ramdeep Partap Singh, DAG, Punjab, who is present in the Court accepts notice on behalf of respondent-State.

Learned State counsel concedes that the similarly situated co-accused namely, Ajay Kumar has already been granted the benefit of anticipatory bail by this Court vide order dated 01.10.2021 passed in CRM-M-41129 of 2021.

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

Keeping in view the facts and circumstances narrated hereinbefore as the presence of the petitioner at the site of the incident is yet to be established and the car from which the liquor was recovered does not belong to the petitioner and that the similarly situated co-accused, Ajay Kumar has already been extended the benefit of anticipatory bail by this Court while passing order in CRM-M-41129 of 2021 on 01.10.2021, the petitioner has made out a case for the grant of anticipatory bail especially, when learned counsel for the petitioner undertakes that the petitioner will join and cooperate in investigation.

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 is present in the Court, on instructions from ASI Kewal Krishan, 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 11.10.2021 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