

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209(2)

CRM-M-43490-2021 (O&M)
Date of Decision : 22.11.2021

Rajinder Kumar

...Petitioner

Versus

State of Punjab

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Raman Goklaney, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral

CRM-34881-2021

As prayed for, application is allowed.

CRM-M-43490-2021

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 a Coordinate Bench of this Court on 14.10.2021. Order dated 14.10.2021 is as under:-

“Case heard via video conferencing.

Vide this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions

of Section 438 of the Cr.P.C., upon FIR no.176, dated 01.09.2020, having been registered at Police Station Khuhi Khera, District Fazilka, alleging therein the commission of an offence punishable under Section 61 of the Punjab Excise Act, 1914.

Learned counsel for the petitioner submits that the car in question as is stated to have been apprehended carrying a large quantity of illicit/ "illegal liquor", does not belong to the petitioner and that he has been falsely implicated only because the petitioners' father had submitted an affidavit dated 05.08.2020 (copy Annexure P-4) to senior police officers stating therein that CIA staff consisting of three police officials (as were named in the affidavit and two unnamed), had abducted him and his son (i.e. the petitioner), and had beaten them up.

Though no police official has been impleaded in the present petition against whom malafides are alleged, however without making any comment on the actual merits of the case, as the car is not stated to be belonging to the petitioner and seemingly no connection has been established so far at least before this court, with that car, notice of motion is issued.

Mr. Amit Mehta, learned Sr. DAG, Punjab, accepts notice at the asking of the court.

Adjourned to 22.11.2021.

In the meanwhile, the petitioner is directed to join investigation within one week and upon him so joining, in case he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

To be heard alongwith CRM-M-41129 of 2021."

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 a Coordinate Bench of 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 14.10.2021 passed by a Coordinate Bench of 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

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No