

CRM-M-39811-2020

Date of decision: 17.08.2021

Surinder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

Coram: Hon'ble Mr. Justice B.S. Walia

Present : Mr. Veneet Sharma, Advocate for the petitioner.
Mr. Sukhbeer Singh, AAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through VideoConferencing due to Covid-19pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No. 116 dated 19.09.2020 registered under Section 61, Punjab Excise Act, 1914 and Section 24 of the Water (Prevention and Control of Pollution) Act, 1974at Police StationHarike, District Tarn Taran.
3. On 01.12.2020, the following order was passed:-

“ The case has been taken up for hearing through video conferencing.

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.116 dated 19.09.2020 registered under Section 61 of the Punjab Excise Act, 1914 and Section 24 of the Water (Prevention and Control of Pollution) Act, 1974 in Police Station Harike, District Tarn Taran.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was not named in the FIR. On the other hand, Nishan Singh s/o Charan Singh was named in the FIR but the petitioner is claimed to be the person who is involved in the crime and was wrongly named as Nishan Singh s/o Charan Singh. The petitioner was not apprehended on the spot and no recovery was made from him. The petitioner is involved in one more case under the Punjab Excise Act, 1914 but he is on bail in that case. The petitioner is ready to join investigation and no recovery is to be made from his possession.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. H.S. Multani, Asstt. AG, Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 04.02.2021.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) (i) to (iii) of the Cr.P.C. In view of Section 438(2)(iv) read with Section 437(3)(b) of the Cr.P.C. interim anticipatory bail granted to the petitioner shall also be subject to the condition that he shall not commit any similar offence under the Punjab Excise Act, 1914 after his release on interim anticipatory bail. In case of non-compliance of the abovesaid

conditions, the petitioner shall not be entitled to the protection of interim anticipatory bail allowed to him.”

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from *ASI Pargat Singh* confirms that pursuant to the order of this Court dated 01.12.2020, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 01.12.2020, passed by this Court, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.

6. Petition stands disposed of in the aforementioned terms.

(B.S. Walia)
Judge

17.08.2021
'Amit'

Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No.