

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

204-2

**CRM-M-42047-2020
Date of Decision:24.02.2021**

KALA SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vikasdeep Singh, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.162 dated 21.11.2020, registered under Section 61 of Excise Act, 1914, at Police Station Talwandi Chaudhrian, District Kapurthala.

On 22.01.2021, this Court had passed the following order:-

“The Court has been convened through video conferencing due to Covid-19 pandemic.

Counsel for the petitioner submits that the petitioner has been falsely framed in the case and he was not apprehended from the spot despite the fact that the police party comprising of five officials had raided his house. It is his contention that the petitioner walks with a limp and he had been present, as has been projected in the FIR, he would have been arrested on the spot. He has placed reliance upon the order dated 09.12.2020 passed by this Court in CRM-M-41222 of 2020 whereby the petitioner's wife has been granted interim bail. Still

further, he submits that the petitioner is involved in FIR No.85 dated 05.08.2017 registered under Section 61 of Punjab Excise Act wherein he has been convicted and released on probation, vide judgment dated 07.08.2018 by the Judicial Magistrate Ist Class, Sultanpur Lodhi.

List on 24.02.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

To be heard alongwith CRM-M-41222 of 2020.

Copy of judgment dated 07.08.2018 be placed on the record before the next date of hearing.”

In compliance of the said order, counsel for the petitioner has placed on record copy of the judgment dated 07.08.2018, which is taken on record as mark 'A'.

Learned State counsel on instructions from ASI Harjinder Singh states that the petitioner has joined the investigation and he is no longer required for custodial interrogation.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 22.01.2021 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

24.02.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No