

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(Proceedings through Video Conferencing)

CRM-M No.51982 of 2019
Date of Decision: 24.08.2021

Wazir Singh and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Riffi Birla, Advocate,
for the petitioners.

Mr. J.P. Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No.146 dated 15.06.2019, registered under Section 61 of Punjab Excise Act, 1914 at Police Station Sadar Fazilka, District Fazilka.

The operative part of the order dated 06.12.2019, vide which interim anticipatory bail has been granted to the petitioners, is reproduced as under:-

“Counsel for the petitioners has argued that as per the allegations in the FIR, the recovery of Lahan has already been effected and there is no other case pending against the petitioners.

Notice of motion for 21.01.2020.”

While granting interim bail on 06.12.2019, it was observed that the recovery of Lahan has already been effected and no other case is pending against the petitioners.

Counsel for the petitioners has submitted that, in pursuance to the order dated 06.12.2019, the petitioners have appeared before the Investigating Officer and have joined the investigation.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits that the petitioners are no more required for further investigation.

Even otherwise, there is no allegation that over a period of about one and half year, the petitioners have misused the concession of anticipatory bail.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 06.12.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

24.08.2021
manju

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No