

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

206

CRM-M-1412-2022

Date of decision: 20.04.2022

NIRMAL SINGH ALIAS NIMMA

.....PETITIONER

Versus

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Sohrab Dhanda, Advocate
for Mr. A.S.Manaise, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab

SANT PARKASH, J. (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 34 dated 03.05.2021 registered under Section 61 of the Excise Act at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur.

While issuing notice of motion on 14.01.2022, this Court, granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 14.01.2022 reads as under :-

“It is alleged against the petitioner that during search of his house, a drum containing 100 KG lahan was recovered.

Learned counsel submits that the said allegation against the petitioner is false as the alleged recovery has been planted. He further submits that the petitioner is ready to join the investigation.

Notice of motion for 25.03.2022.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

1. That he shall make himself available for interrogation by a police officer as and when required;
2. 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 such facts to the Court or to any police officer and;
3. That he shall not leave India without prior permission of the Court.....”

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has, while reiterating submissions made on 14.01.2022, submitted that the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel has, on instructions from A.S.I. Daljit Singh, acknowledged that in compliance with order dated 14.01.2022 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 14.01.2022 granting interim bail to the petitioner is made absolute.

20.04.2022
kavneet singh

(SANT PARKASH)
JUDGE

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