

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-2079-2022

Decided on : 16.05.2022

Sukhwinder Singh @ Chaini and another

. . . Petitioners

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHLPRESENT: Mr. C. S. Rana, Advocate
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 211 dated 27.12.2021 under Sections 61/1/14 of Punjab Excise Act registered at Police Station Sidhwan Bet, District Ludhiana Rural.

On 19.01.2022, a Coordinate Bench of this Court was pleased to pass the following order:

“The matter has been taken up through video conferencing.

Learned counsel for the petitioners inter-alia contends that the petitioners have been falsely implicated in this case; the story of the prosecution is false on the face of it that in the presence of so many policemen, the petitioners ran away from the spot; no recovery of any illicit liquor/Lahan has been made from the petitioners; there is no other criminal case that the petitioners face and that the petitioners are also ready and willing to join the investigation as and when called by the investigating agency.

Notice of motion.

Ms. Gunkirat Kaur, AAG, Punjab, accepts notice on behalf of the respondent-State and prays for time to argue the matter.

Adjourned to 16.05.2022.

In the meanwhile subject to the petitioners' joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of their arrest in FIR No.211 dated 27.12.2021 registered under Sections 61, 1, 14 of the Punjab Excise Act, 1914 at Police Station Sidhwan Bet., District Ludhiana Rural, they shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer."

Learned counsel for the petitioners has submitted that in pursuance of the above order, the petitioners have joined the investigation and are not involved in any other case.

Learned State counsel, on instructions from ASI Surinder Singh has submitted that the petitioners have joined the investigation on 08.01.2022 and are not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 19.01.2022 and also the fact that the petitioners have joined the investigation and are not required for further custodial interrogation, the present petition is allowed and the interim order dated 19.01.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

16.05.2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No