

CRM-M-3394-2022

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

(102)

CRM-M-3394-2022

Date of Decision:-02.02.2022.

Gursewak Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Impinder Singh Dhaliwal, Advocate for the petitioner.

Mr. Harmandeep Singh Sullar, DAG, Punjab.

(Through Video Conferencing)

SURESHWAR THAKUR, J. (Oral)

1. In FIR bearing No. 04 of 08.01.2022, registered at Police Station Longowal, District Sangrur, offence(s) constituted under Sections 61 of the Excise Act, 1914, are embodied.
2. The bail applicant-petitioner is alleged to commit offence supra.
3. The learned State counsel submits, that the recovery of the illicit liquor, as became illegally transported from Haryana, to the State of Punjab, has been effected at the instance of the bail applicant, to the Investigating Officer concerned. He also submits that the investigations into the offence supra are complete, and, no further cooperation of the bail applicant is required in the investigations concerned. However, the learned State counsel yet very vehemently opposes the grant of anticipatory bail to

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the petitioner, as he submits that the petitioner is repeatedly indulging in commission of offence(s), under, the afore enactment. Nonetheless the afore submission can be mitigated through imposing stringent conditions upon the bail-applicant.

4. Consequently, this Court deems it fit to allow the instant petition. The arresting officer may not arrest the bail applicant-petitioner. However, subject to the bail applicant-petitioner furnishing personal, and, surety bonds in the sum of Rs.1,00,00/- each, to the satisfaction of the arresting officer, and, further subject to the abiding by the bail applicant, of the conditions laid down in Section 438 (2) of Cr.P.C. The bail applicant shall also given an undertaking before the arresting officer, that as and when he is summoned through a written Hukamnama, he shall ensure his rendering cooperation to the investigating officer. Moreover, it is also directed that in case the bail applicant re-indulges in any criminal activity, thereupon the order granting anticipatory bail to him, shall be deemed to be ipso facto vacated, and, the arresting officer shall be entitled to forthwith arrest the bail applicant, and, to thereafter produce him, before the trial Court, for his being sent to judicial custody.

5. The afore observations are meant only for the disposal of the present petition, and shall not affect the merits of the trial arising from the FIR (supra).

6. Disposed of.

(SURESHWAR THAKUR)
JUDGE

February 02, 2022.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No