

CRM-M-5412-2022 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-5412-2022 (O&M)

Date of decision: 09.05.2022

Sukhvir Singh

.... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Hitesh Verma, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab
assisted by ASI Dilawar Khan

ARUN PALLI, J (ORAL)

Vide this petition under Section 438 of Cr.P.C. the petitioner prays for anticipatory bail in FIR No. 6 dated 08.01.2022, under Section 61 and 78 of the Punjab Excise Act, registered at Police Station Amargarh, District Malerkotla.

Upon hearing the learned counsel for the petitioner on 09.02.2022, this Court had enlarged the petitioner on interim bail :-

“Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.6 dated 08.01.2022, registered under Sections 61 and 78 of the Punjab Excise Act, 1914, at Police Station Amargarh, District Malerkotla.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was not arrested at the spot and that alleged recovery of 960 bottles of country made liquor make 'Heer Saufian', was effected from a Swift car, which was being driven by co-accused, namely, Gaurav Sharma @ Gaggu. She further submits that the petitioner has been indicted in the present case on the basis of the disclosure statement of the co-accused and that, as far as, one other case registered and pending

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against the petitioner under Excise Act is concerned, the petitioner is on bail.

Notice of motion.

On the asking of this Court, Ms. Bhavna Gupta, DAG Punjab, accepts notice.

Adjourned to 09.05.2022.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) Cr.P.C.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

On instructions from ASI Dilawar Khan, learned State counsel submits that pursuant to the order dated 09.02.2022 (*ibid*) the petitioner had joined the investigation and is no longer required for any custodial interrogation.

In the wake of the above, the order dated 09.02.2022, is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438 (2) Cr.P.C. and shall join the investigation as and when required to do so.

The petition is accordingly disposed of.

09.05.2022
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(ARUN PALLI)
JUDGE

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