

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

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**CRM-M-7335-2022 (O&M)**

**Date of Decision: 28.03.2022**

Nirbhay Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Gopal Singh Nahel, Advocate, for the petitioner.

Mr. Rehatbir Singh Mann, DAG, Punjab  
assisted by ASI Darshan Singh.

**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.176 dated 28.08.2021 at Police Station Dirba, District Sangrur, under Sections 61, 78/1/14 Punjab Excise Act.
2. At the time of issuance of notice of motion on 22.02.2022, the following order was passed:

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.176 dated 28.08.2021 registered under Sections 61 and 78/1/14 of the Punjab Excise Act, 1914 at Police Station Dirba, District Sangrur.

Learned counsel for the petitioner submits that the alleged illicit liquor was recovered from a vehicle and co-accused namely Bhola Singh has already been extended the concession of anticipatory bail by this Court in CRM-M-45682-2011 and as the petitioner, who is being involved in the present case only on the basis of the ownership regarding the vehicle from which the illicit liquor was found, may also kindly be extended the concession of anticipatory bail as

nothing is to be recovered from him and the vehicle was lent to co-accused Bhola Singh to take his mother to the hospital.

Notice of motion.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General, Punjab, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State concedes the factum that co-accused Bhola Singh, against whom similar allegations have been alleged, has already been extended the benefit of anticipatory bail and also the fact that the petitioner has been involved only on the basis of the ownership of the vehicle, which was involved in the incident.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that co-accused Bhola Singh has already been extended the benefit of anticipatory bail and the allegations alleged against the petitioner are yet to be proved during the trial and the petitioner has been involved in the present case keeping in view the fact that the car in question was in the name of the petitioner though, he has made a statement that the same was lent to the co-accused Bhola Singh for a specific purpose and not for any illegal purpose, the purpose of investigation will be achieved in case the petitioner is directed to join the investigation and cooperate with the same as nothing is to be recovered from the petitioner.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

- i) That he shall make himself available for interrogation by the police officer as and when required.
- (ii) 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 the said facts to the Court or to any police officer.
- (iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 28.03.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State shall be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation and is not wanted in any other case.
4. In view of the aforestated position, the petition is accepted and the interim directions issued by this Court vide order dated 22.02.2022 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

**28.03.2022**

VY

**(GURVINDER SINGH GILL)**

**JUDGE**

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