

S.No.205

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

CRM-M-8862 of 2022 (O&M)

Date of Decision:02.05.2022

Gora Singh @ Basant Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Amardeep Singh Mann, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Punjab.

VIKAS BAHL, J. (Oral)

This is first petition filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case bearing FIR No.0006 dated 23.01.2022 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Joga, District Mansa.

On 03.03.2022, this Court was pleased to pass the following order:-

“The 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.0006 dated 23.01.2022 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Sadar Joga, District Mansa.

Learned counsel for the petitioner argues that on the face of it, the allegations alleged against the petitioner are false as despite the fact that the raid conducted on the premises of the petitioner by the police was on the basis of secret information received but, nothing has come on record to show as to how the

petitioner still managed to escape from the spot of the raid. Learned counsel for the petitioner submits that even as per the allegations alleged, illicit liquor has already been recovered and nothing more is to be recovered from the petitioner and as the petitioner is ready to join and cooperate in investigation, he may kindly be granted the benefit of anticipatory bail.

Notice of motion for 02.05.2022.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State of Punjab.

Learned State counsel concedes the factum that the raid conducted to recover the illicit liquor was on the basis of the secret information but, submits that the petitioner ran away from the spot after he gained knowledge about the said raid. Learned State counsel submits that though, the illicit liquor has already been recovered but, custodial interrogation of the petitioner is necessary to find out as to where the said illicit liquor was being sold.

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

Keeping in view the fact that nothing is to be recovered from the petitioner and the allegations alleged against the petitioner are yet to be proved during the course of investigation, coupled with the fact that the petitioner was not arrested at the spot and when the fact as to whether the

petitioner was present at the spot and managed to escape or not is still to be proved during investigation, the purpose of investigation will be achieved in case, the petitioner is directed to join and cooperate in investigation.

The 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 the satisfaction of the Arresting Officer/Investigating Officer 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.*

sd/-
March 03, 2022 (HARSIMRAN SINGH SETHI) aarti
JUDGE”

Learned counsel for the petitioner and the State Counsel on

instructions from SI Amrik Singh, submit that the petitioner has joined the

investigation on 03.03.2022 and is not further required for investigation.

Keeping in view the abovesaid facts & circumstances, moreso the facts noticed in the order dated 03.03.2022 and also the fact that the petitioner has joined the investigation and is not further required for investigation, the present petition is allowed and the interim order dated 03.03.2022 is made absolute.

However, nothing stated above shall be construed as a final 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.

May 02, 2022
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(VIKAS BAHL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No