

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

**CRM-M-18123-2022
Date of decision: 02.05.2022**

Sukhwinder Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ajiteshwar Singh, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.183 dated 02.08.2020, registered under Section 61 Punjab Excise Act, 1914, at Police Station Mehatpur, Jalandhar.

Learned counsel for the petitioner, at the very outset, relies upon order dated 15.09.2021 passed in CRM-M-11436-2021, vide which co-accused Rajpal Singh has already been granted the concession of anticipatory bail by this Court. The operative part of the order reads as under:

“ 2. On 12.03.2021, the following order was passed:-

“This is a petition that has been filed for grant of anticipatory bail to the petitioner in FIR No.183 dated 02.08.2020 registered under Section 61 of the Excise Act, 1914 at Police Station Mehatpur, District Jalandhar. Counsel for the petitioner would contend that based on secret information, a raid was conducted and there was alleged recovery of 2000 ltrs of lahan and 13 tarpaulin, which would not belong to the

petitioner herein. It is argued that even the land where the alleged distillation as taking place does not belong to the petitioner. The petitioner though named in the FIR was not arrested at the spot and the recovery already stands effected. Notice of motion for 15.09.2021.

Mr. M.S. Nagra, DAG, Punjab, who is present through the medium of video conferencing accepts notice for the respondent-State. Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. 3.”

3. Today, learned counsel for the petitioner contends while learned State Counsel on instructions from ASI Sukhdev Singh confirms that pursuant to the order of this Court dated 12.03.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

4. In view of the statement of learned State Counsel, order dated 12.03.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.”

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is present in Court,

accepts notice on behalf of the respondent-State and does not dispute the factual position.

In view of the same, the present petition is allowed and the petitioner is granted the concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

02.05.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No