

In the High Court of Punjab and Haryana at Chandigarh

(144)

CRM-M No. 23921 of 2022

Date of Decision: 30.5.2022

Nishan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Ms. G.K.Mann, Senior Advocate with
Mr. Sunil Kumar, Advocate
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C., seeking the indulgence of anticipatory bail to the petitioner.
2. In FIR bearing No. 0069 of 22.4.2022, registered at Police Station Lopoke, District Amritsar Rural, an offence constituted under Section 61/1/14 of the Punjab Excise Act, 1914, is embodied.
3. Though, the police officials, after receiving prior information about the present petitioner, and, co-accused Dharam Singh alias Dhuma, engaging themselves in illicit manufacturing of lahan, proceeded to the crime site, but both the accused fled therefrom. However, despite the fleeing from the crime site, of both the accused, the police team was yet able to make therefroms all the relevant recoveries.
4. Since all the relevant recoveries had been made, at the crime site, by the police team, and, also when no evidence is adduced before this

Court by the prosecution, suggestive of the fact, that in the event of the petitioner, becoming admitted to anticipatory bail, there is every likelihood of his fleeing from justice, and, tampering with the prosecution evidence. Therefore, this Court does not deem it fit, and, appropriate to order for the custodial interrogation of the petitioner, as it would unnecessarily fetter, and, curtail his personal liberty.

5. In consequence, the instant petition is allowed. The bail applicant-petitioner is admitted to anticipatory bail, and, in the event of his arrest, he may not be arrested by the investigating officer concerned. However, subject to the bail applicant-petitioner furnishing personal, and, surety bonds in the sum of Rs. 50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-petitioner shall also give an undertaking before the arresting officer, that as and when he is summoned through a written Hukamnama, he shall ensure his rendering his cooperation to the investigating officer.

6. 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).

(SURESHWAR THAKUR)
JUDGE

May 30, 2022
Gurpreet

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