

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-40474-2021

DATE OF DECISION: 28.01.2022

SANDEEP SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioner.

Mrs. Amarjit Kaur Khurana, DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 111 dated 27.06.2021, under Sections 61/1/85, 78(2) of the Pnjab Excise Act, 1914, registered at Police Station Sardulgarh, District Mansa.

A coordinate Bench of this court, on 28.09.2021, had passed the following order:-

“Heard through video conferencing.

Counsel for the petitioner contends that FIR (Annexure P-1) has been registered on basis of secret information and co-accused, Ranjit Singh and Parkash, who were on separate motorcycles, were arrested and 250 pouches of illicit liquor were recovered from them. Counsel submits that the allegation against the petitioner is that he was the third motorcyclist, who upon being intercepted, left behind the vehicle with 85 pouches of illicit liquor and fled from the spot. Counsel urges that prosecution version is highly improbable. He asserts that the petitioner, who has clean antecedents, is not the owner of the third motorcycle and has been falsely framed on basis of confessional statement of the co-accused, which is inadmissible in evidence.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State. Upon instructions from ASI Balkaran Singh, he submits that the ownership of the motorcycle is yet to be verified.

List on 25.01.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

This Court, by the order dated 28.09.2021, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, upon instructions from ASI Balwinder Singh, contends that the petitioner has joined investigation.

In view of the above and the petitioner having joined investigation, the order dated 28.09.2021 granting interim bail to the petitioner is made absolute.

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

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

28.01.2022

SwarnjitS

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