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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40655-2021 (O&M)
Date of Decision: 19.01.2022

Jaswant Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Suvir Sidhu, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.218 dated 27.07.2020, registered under Sections 302, 304, 328, 326, 201, 272 ad 120-B IPC, Sections 61 and 62 Excise Act and Section 6 Poisons Act at Police Station City Tarn Taran, District Tarn Taran.. The petitioner apprehends his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 29.09.2021, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel has argued that as per FIR, complainant Ravinder Singh suffered health issues because of consumption of spurious liquor purchased from Parkash Singh @ Passi, and initially the case was registered for the offence punishable under Section 328 IPC, but subsequently, the other offences were added. According to him, after completion of investigation, the final report dated 12.10.2020 was presented against four accused persons, namely, Parkash Singh @ Passi, Gurjant Singh @ Bunty, Gurbakhsh Singh @ Deesa and

Bikramjit Singh @ Vicky, whereas the petitioner was kept in Column No.2 at serial No.5. He submits that later on, the petitioner has been indicted as an accused on the basis of statement of witness Jagir Singh, who stated that his acquaintance Hardev Singh informed him that the petitioner is also involved in manufacturing of spurious liquor. Learned counsel has submitted that this piece of evidence apparently is hearsay and except for this, there is nothing to indicate the involvement of the petitioner in the alleged crime. He further states that after committal of the case, charges have been framed against the accused persons on 21.09.2021, therefore, in the given facts, the custodial interrogation of the petitioner may not be necessary.

Notice of motion for 19.01.2022.

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

Learned counsel for the petitioner further states that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Manpreet Singh does not dispute this fact that the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 29.09.2021 is made absolute.

19.01.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No