

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-38975-2022

Date of decision : 10.11.2022

Jassa Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms. Gurmeet Kaur, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.160 dated 29.07.2022 registered under Section 61/1/14 of the Punjab Excise Act, 1914 at Police Station Sadar Samana, Tehsil Samana, District Patiala.

On 31.08.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case there is non-compliance of Section 100(4) Cr.P.C. as no independent witness has been joined at the time of search. It is further submitted that the petitioner, even as per the case of the prosecution, was not apprehended at the spot. It is further submitted that the petitioner is not involved in any other case.

Notice of motion.

On advance notice, Mr.Tarun Aggarwal, Sr. DAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Adjourned to 10.11.2022.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail subject to his furnishing

personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioner shall 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. August 31, 2022.”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Jaswinder Singh, has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 31.08.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 31.08.2022 is made absolute.

Nothing stated above shall be construed as an 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 petition.

(VIKAS BAHL)
JUDGE

November 10, 2022
Davinder Kumar

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