

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

201

CRM-M-43386-2021

Date of decision : 05.01.2022

KULDEEP SINGH

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Manbir Singh Basra, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

(Through video conferencing)

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.131 dated 28.09.2021 registered under Sections 61 and 78 of the Punjab Excise Act, 1914 (Sections 1 and 14 of the Punjab Excise Act, 1914 added later on) at Police Station City Dhuri, District Sangrur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 13.10.2021. Order dated 13.10.2021 is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.131 dated 28.09.2021 registered under Sections 61 & 78 of the Punjab Excise Act, 1914 (Sections 1 and 14 of the Punjab Excise Act, 1914 added later on) at Police Station City Dhuri, District Sangrur.

Learned counsel for the petitioner argues that the petitioner has wrongly been involved in the present case and the petitioner was not arrested from the spot, from where, 60 bottles of liquor, alleged to have been smuggled by the petitioner, were recovered. Learned counsel for the petitioner submits that nothing is to be recovered from the petitioner and the petitioner is ready to join and cooperate in investigation and, therefore, he be granted the benefit of anticipatory bail.

Notice of motion for 05.01.2022.

Mr. Sandeep Kumar, DAG, Punjab, who is present in the

Court accepts notice on behalf of respondent-State.

Learned State counsel on the other hand submits that the petitioner was smuggling liquor from the State of Haryana and the modus operandi of smuggling the said liquor from Haryana and its sale within the Punjab is yet to unearth, for which, the custodial interrogation of the petitioner is necessary.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, no recovery is to be effected from the petitioner and only the modus operandi, as to how, the petitioner was smuggling the alleged recovered liquor from Haryana to Punjab, is to be ascertained by the police during investigation, the purpose of investigation will be achieved in case, a direction is issued to the petitioner to join and cooperate in investigation.

The petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from HC Jagdeep Singh states that in terms of the order of this Court reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 13.10.2021 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.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing

appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

05.01.2022
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Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No