

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-44403-2021 (O&M)
Date of Decision:- 7.2.2022

Kulwant Singh @ Kalu

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurbir Singh Sidhu, Advocate, for the petitioner.

Mr. M.S.Dullat, Addl. AG, Punjab.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.19 dated 16.03.2021 at Police Station Sherpur, District Sangrur, under Sections 61/67 of the Punjab Excise Act.
2. At the time of issuance of notice of motion, the following order was passed by this Court on 26.10.2021:

“The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.19 dated

16.03.2021 at Police Station Sherpur, District Sangrur, under Sections 61/67 of the Punjab Excise Act.

The FIR was lodged on the basis of a secret information received by the police to the effect that one Tarsem Singh indulges in illegal sale of country-made liquor procured from the State of Haryana through Kulwant Singh (petitioner). It is further the case of the prosecution that pursuant to receipt of said information, a raid was conducted at the nominated place and Tarsem Singh was caught red handed while in possession of 16 bottles of country-made liquor in respect of which he could not produce any license or permit.

It has been submitted that the petitioner has falsely been implicated in the present case and was never arrested at the spot and that there is no credible evidence to connect him with the alleged recovery.

Notice of motion for 07.02.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

3. Learned State counsel has informed that pursuant to interim directions, the petitioner has joined investigation and is not required for any custodial interrogation. He has however, informed that the petitioner stands involved in 5/6 other identical cases.

4. Having regard to the aforesaid position and the fact that the petitioner was never found at the spot and has otherwise joined investigation, the petition is accepted and interim directions issued by this Court vide order dated 26.10.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

07.2.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No