

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

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**CRM-M-45682-2021
Date of decision : 14.01.2022**

BHOLA SINGH

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Sumeet Puri, 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. 176, dated 28.08.2021, registered under Sections 61/78/1/14 of Punjab Excise Act, 1914, at Police Station Dirba, District Sangrur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 01.11.2021. Order dated 01.11.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No. 176, dated 28.08.2021, registered under Sections 61/78/1/14 of Punjab Excise Act, 1914, at Police Station Dirba, District Sangrur.

Learned counsel for the petitioner argues that the petitioner has been wrongly implicated in the present case on the ground of animosity. Learned counsel for the petitioner submits that the allegations against the petitioner are that he had taken the vehicle in question from its owner i.e. Nirbhai Singh, whereas, the petitioner does not have any driving licence and actually does not how to drive a fourwheeler. Learned counsel for the petitioner contends that Nirbhai Singh, who has named the

petitioner, who had taken the vehicle from him, is enimical to the petitioner, as the mother of the petitioner is a Panch and is being opposed by Nirbhai Singh politically. Learned counsel for the petitioner submits that petitioner is ready to join the investigation and cooperate and, therefore, she may kindly be extended the benefit of anticipatory bail.

Notice of motion.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General, Punjab. who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel submits that the recovery of a huge quantity of country made liquor is to be found out and, therefore, custodian interrogation of the petitioner is necessary.

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

Keeping in view the facts and circumstances noted hereinbefore, especially, when the petitioner has stated before this Court that he does not know how to drive a fourwheeler and does not have a driving licence and further, Nirbhai Singh, who is the owner of the vehicle, has named the petitioner because of animosity, the petitioner has made out a case for the grant of anticipatory bail.

As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail. 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 his/her satisfaction 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.

Adjourned to 14.01.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the

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petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.

On the next date of hearing, the investigating agency will file a specific affidavit with regard to the allegations being alleged by the petitioner, which have been noticed in the present order.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Suresh Kumar 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 01.11.2021 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

14.01.2022

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Whether speaking/reasoned
Whether Reportable :

Yes
No