

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

204

CRM-M-48112 of 2021

Date of Decision:-24.1.2022

Jagtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Judgepreet Singh Warring, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

(Proceedings conducted through video conferencing)

HARSIMRAN SINGH SETHI J.(Oral)

The petitioner is seeking anticipatory bail in FIR No.102 dated 19.10.2021, under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Raman, District Bathinda.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 17.11.2021. Order dated 17.11.2021 is read as under:-

“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.102 dated 19.10.2021 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Raman, District Bathinda.

Learned counsel for the petitioner submits that the allegations being alleged against the petitioner are false on the face of it as, lahan is stated to have been recovered from the house of the petitioner and the allegations do not state the fact as to whether anyone was present at the said given point of time in the house or not. In the absence of the said averment, nothing is clear whether the house was locked and on whose instructions the said lock was broken in order to conduct the raid so as to recover the alleged lahan stated to be found present within the vicinity of the house of the petitioner. Learned counsel for the petitioner further submits that these facts create ample doubt that the allegations on the face of it are false.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State, on the other hand, submits that though, it has not come on record whether the house was locked or not but the raid was conducted by joining the chowkidar.

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

The brother of the petitioner namely Harjinder Singh, who was also roped in the present case, has already been granted the benefit of anticipatory bail by the trial Court and keeping in view the facts stated hereinbefore, the allegations alleged in the FIR are yet to be proved in the investigation and thereafter in the trial and as the petitioner has undertaken before this Court that he will join the investigation and cooperate

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 21.01.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Randhawa Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 17.11.2021 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 cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

January 24, 2022
Vijay Asija

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No