

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

**CRM-M No. 48390 of 2021 (O&M)
Date of Decision: 15.02.2022**

Gurjant Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Naveen Sharma, Advocate for the petitioner.

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 438 Cr.P.C., seeks grant of anticipatory bail in case FIR No. 111 of 22.08.2021, which was registered against him, at Police Station Sadar Jagraon, Police District Ludhiana, constituting therein offences under Sections 61/78 of the Punjab Excise Act, 1914.

2. This Court, through an order made on 18.11.2021, had granted ad interim bail to the bail applicant / petitioner.

3. The learned State Counsel, on instructions, meted to him, by ASI Gujraj Singh, submits that the bail applicant – petitioner, has participated in the relevant investigations, and, he is rendering his fullest cooperation to the IO concerned, and, that he has ensured the effectuation of relevant recovery at his instance, to the IO concerned. He also submits that after completion of the entire investigation in the FIR (supra), the challan has also been filed, before the learned trial Magistrate concerned. He very fairly submits that in view of the above, the custodial interrogation of the

petitioner in the present case may not become necessitated.

4. However, the learned State Counsel opposes the grant of bail to the bail applicant, on the ground that the bail applicant has earlier committed penal offences, and, that thereupon, this Court may not grant any indulgence of bail to the petitioner.

5. The afore made submission is benumbed, upon this Court, making stringent conditions upon the bail applicant, inasmuch as his making an undertaking before the Investigating Officer concerned, that he shall not re-indulge in any criminal activity, whereupon, on breach thereof, the benefit of anticipatory bail, as granted to him shall become *ipso facto* annulled, leaving liberty to the Arresting Officer, to forthwith arrest him, and, to thereafter, produce the bail applicant before the learned Magistrate concerned, for appropriate directions, *vis-a-vis*, an order of judicial custody being made, upon him.

6. Cumulatively, this Court subject to condition (supra) does not deem it fit to order for custodial interrogation of the bail applicant. Contrarily, this Court is constrained to make absolute the order made by this Court, on 18.11.2021. However, the making of absolute of the afore order shall be subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure. The Investigating Officer concerned, is directed to, forthwith, ensure the furnishing, before him, by the bail-applicant, of personal and surety bonds, in a sum of Rs. 50,000/- each.

7. Disposed of.

February 15, 2022

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>