

206 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-49355-2021
Date of Decision: 01.02.2022

Jaspreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mandeep Kumar Dhot, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 184, dated 07.11.2020, under Sections 186, 353, 323, 427 & 34 of the IPC and Section 61 of the Punjab Excise Act, registered at Police Station Khanna City 2, District Khanna.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order dated 25.11.2021, passed by this Court, which is 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. 184 dated 07.11.2020, registered under Sections 186, 353, 323, 427, 34 IPC and Section 61 of Punjab Excise Act, 1914, at Police Station Khanna City 2, District Khanna.

Learned counsel for the petitioner argues that the petitioner has wrongly been roped in the present case though, he was not named in the FIR. Learned counsel

for the petitioner submits that petitioner is neither the owner of the Car nor was found present at the spot but only on the basis of the disclosure statement of co-accused Balwinder Singh, the petitioner has been arrayed as an accused in the present case. Learned counsel further submits that even said co-accused Balwinder Singh has already been granted the benefit of anticipatory bail whereas the same benefit has been denied to the petitioner and that too without any justification by the Court below. Learned counsel for the petitioner submits that petitioner is ready to join the investigation and cooperate with the same, therefore, he may be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, 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 concedes that co-accused Balwinder Singh is the owner of the Car and has already been granted the benefit of anticipatory bail by the trial Court and petitioner has been roped on the basis of the statement of said co-accused. Learned State counsel submits that as 5 boxes of illicit liquor are yet to be recovered from the petitioner, which were supposed to be lying in the car and were taken away by the petitioner, 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.

As per the investigating agency, the main accused is Balwinder Singh, who has already been granted the benefit of anticipatory bail and the petitioner is not the

owner of the Car allegedly used in crime and as of now, the presence of the petitioner at the site is only an allegation, which is yet to be proved. In the facts and circumstances of the case, the purpose of investigation will be achieved, in case petitioner is directed to join the investigation and cooperate.

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 01.02.2022.

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 conferencing, on instructions from ASI Jagdeep 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 25.11.2021 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 shall be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

01.02.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned: Yes

2. Whether reportable: No