

206 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-50557-2021

Date of Decision: 02.02.2022

Rai Singh @ Pappi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Janak Singh Bhinder, 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. 56, dated 15.03.2021, under Sections 61/1 of the Punjab Excise Act, registered at Police Station City Sunam, District Sangrur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order dated 03.12.2021, 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. 56 dated 15.03.2021, registered under Section 61/1 of Punjab Excise Act, 1914 at Police Station City Sunam, District Sangrur.

Learned counsel for the petitioner argues that the petitioner has falsely been implicated in the present case, which is clear from the allegations alleged in the FIR. Learned counsel for the petitioner submits that as per the allegations mentioned in the FIR, the house of

the petitioner was open and nobody was present there and the police found 40 bottles of country made liquor mark 'Jugni Saunfi' meant for sale in Haryana only. Learned counsel for the petitioner further submits that it cannot be imagined that the house of the petitioner will be open and nobody will be present while recovery is stated to have been effected.

Learned counsel for the petitioner submits that even otherwise, the petitioner was not caught redhanded and the allegations against the petitioner are yet to be proved during the trial and as the petitioner is ready to join the investigation and cooperate, he may kindly 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 submits that there is another FIR pending against the petitioner under the Excise Act. Learned State counsel submits that though, in the present case, the petitioner was not found at the spot but recovery was effected as alleged in the FIR. Learned State counsel further submits that as of now, nothing is to be recovered from the petitioner.

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 of the present case, especially, when nothing is to be recovered from the petitioner and petitioner has undertaken before this Court to join the investigation and cooperate, the purpose of investigation will be

achieved, in case he is petitioner is directed to join 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 02.02.2022.

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.”

through video conferencing, on instructions from H.C. Jasjot 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 03.12.2021 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.

02.02.2022*Apurva***(HARSIMRAN SINGH SETHI)****JUDGE**

1. Whether speaking/reasoned: Yes

2. Whether reportable: No