

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

CRM-M No. 47431 of 2022

Date of decision : October 17, 2022

Surjit Singh @ Surjit Bhullar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Ramesh Sharma, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

This is a petition filed under Section 438 Cr.P.C. seeking pre-arrest bail in FIR No 109 dated 04.08.2020 for offences punishable under Section 61 of the Punjab Excise Act, 1914 registered at Police Station Sidhwan Bet, District Ludhiana Rural.

Learned counsel for the petitioner inter alia contends that the petitioner has approached Sessions Court by filing a petition under Section 438 Cr.P.C. apprehending his arrest. The petitioner was granted indulgence vide order dated 15.9.2022 and his arrest was stayed subject to his joining investigation. On 26.9.2022 the Additional Sessions Judge, Ludhiana noticed the conduct of the petitioner in the following terms:-

“ASI Gurmeet Singh No. 329, Ldh-R, P.S. Sidhwan Bet has come present. He stated that he is the IO of the case. The applicant has not joined the investigation till date. From perusal of the record it revealed that applicant was granted interim bail on 15.09.2022 with a direction to join the investigation within 10 days on which he will be released on interim bail. However, as per the statement of the IO applicant has not joined the investigation till date. Moreover,

none has come present on behalf of the applicant. It is already 3:00 pm so the bail application of the applicant stands dismissed. File be consigned to the record room.”

Notice of motion.

On the asking of the Court Mr. Arun Gupta, Assistant Advocate General, Punjab, who is present in Court accepts notice.

Learned counsel for the petitioner is not in a position to dispute the facts as recorded in the order dated 26.9.2022 passed by the Additional Sessions Judge, Ludhiana. Thus, no ground is made out to grant indulgence to the petitioner. However keeping in view the offences under which the petitioner has been booked, the present petition is disposed off with a direction to the petitioner to appear before the Illaqa Magistrate/Duty Magistrate within a period of ten days from today. On his doing so, his bail application shall be decided within seven days thereafter.

**(PANKAJ JAIN)
JUDGE**

**October 17, 2022
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**Whether speaking/reasoned
Whether Reportable :**

**Yes/No
Yes/No**