

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM-M-52364-2021

Date of Decision : March 07, 2022

Sulinder alias Surinder Pal alias Sahbo

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jasdeep Singh Walia, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.0166 dated 22.10.2021 registered under Sections 61/1/14 of the Punjab Excise Act, 1914 at Police Station Kartarpur, District Jalandhar Rural, Punjab.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 15.12.2021. Order dated 15.12.2021 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.0166 dated 22.10.2021 registered under Sections 61/1/14 of the Punjab Excise Act, 1914 at Police Station Kartarpur, District Jalandhar Rural, Punjab.

Learned counsel for the petitioner submits that the allegations, which have been recorded in the FIR, on the face of it, are false for the reason that once the police had conducted the raid on the basis of secret information received and nothing has come on record as to how, the petitioner, who is stated to be present at the spot, ran away. Learned counsel for the petitioner further submits that the premises, where the the illicit liquor has been recovered, does not belong to the petitioner and as the petitioner has not been arrested from the spot, he may kindly be extended the benefit of anticipatory bail as the petitioner is ready to join the investigation and cooperate with the same.

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 counsel for the respondent-State though concedes that as per the allegations alleged in the FIR, the raid was conducted on the basis of secret information but nothing has come on record as to how the petitioner managed to escape. Learned counsel for the respondent-States submits that the modus operandi of selling liquor is yet to be unearthed and therefore, 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.

Once, the petitioner has not been arrested from the spot and the allegations alleged against him are yet to be proved and the petitioner has already undertaken before this Court to join the investigation and cooperate with the same, the purpose of investigation will be achieved in case the petitioner is directed to join the investigation and cooperate with the same. 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 17.02.2022.

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, on instructions from ASI Baljit Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner 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 15.12.2021 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 will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

March 07, 2022

harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No