

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-53338-2021
Date of Decision :14.02.2022

Narinder Singh @ Ninder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. G.K. Mann, Senior Advocate with
Mr. Sunil Kumar, Advocate and
Mr. Gursewak Singh, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.0119 dated
02.05.2021 registered under Sections 61, 01 and 14 of the Punjab Excise
Act, 1914 at Police Station Lopoke, District Amritsar Rural.

Learned counsel for the petitioner submits that the petitioner
has joined investigation in terms of the order passed by this Court on
21.12.2021. Order dated 21.12.2021 is as under:-

“Present petition has been filed under Section
438 Cr.P.C for the grant of anticipatory bail in
respect of FIR No. 119 dated 02.05.2021 under
Sections 61/1/14 of the Punjab Excise Act, 1914
registered at Police Station Lopoke, District
Amritsar Rural.

Learned Senior counsel for the petitioner
submits that on 02.05.2021, the police conducted
raid in village of the petitioner and as per the FIR
concerned, 5000 Kg. of lahan was recovered
alongwith other gadgets used for preparing the

illicit liquor from the house of the petitioner. Learned Sr. counsel further submits that the said raid was conducted on the basis of the secret information and house of another resident of the village namely Sarwan Singh was also raided wherein allegedly 18400 Kg. of Lahan was recovered alongwith 240 bottles of illicit liquor.

Learned Sr. counsel for the petitioner argues that though, the said accused Sarwan Singh, against whom similar allegations have been alleged, has already been granted benefit of interim bail by the Additional Sessions Judge, Amritsar, which, interim bail has already been confirmed subsequently but the prayer of the petitioner for the same relief has been declined by the Court below. He further submits that as nothing is to be recovered from the petitioner as of now, and the petitioner is ready to cooperate with the investigation after joining the same, he may be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State concedes the fact that on the said date i.e. 02.05.2021, a raid was conducted on the basis of the secret information and concedes the factum of recovery of 18400 Kg of Lahan from the house of Sarwan Singh who has already been granted the benefit of anticipatory bail. He further submits that as of now, nothing is to be recovered from the petitioner but the information qua the acquiring of equipment for making illicit liquor and the modus operandi of selling the same is yet to be extracted 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, nothing is to be recovered from the petitioner and another resident of the village namely Sarwan singh, who is also accused of the similar allegations with recoveries far more as compared to the petitioner has already been extended the concession of anticipatory bail by the Additional Sessions Judge, Amritsar, purpose of investigation in the present case will be achieved, in case the petitioner is directed to join the investigation and cooperate with the same.

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 14.02.2022.

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 Kulbir Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 21.12.2021 passed by this Court 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 co-operating, it will be at liberty to approach this Court for passing

appropriate orders.

The petition stands disposed of.

February 14, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No