

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(215)

CRM-M-49923-2022

Date of decision: - 29.11.2022

Pipal Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Raj Karan Singh Verka, Advocate,
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.126 dated 04.09.2022, under Section 61 of the Excise Act, 1914, at Police Station Lohian, District Jalandhar Rural.

On 29.10.2022, this Court was pleased to pass the following order:-

“Inter alia, contends that the present petition is the second petition for anticipatory bail as the first petition for anticipatory bail was dismissed as withdrawn on 17.10.2022 with liberty to file a fresh petition with full and better particulars and the present petition has been filed with full and better particulars and thus, in effect, the present petition is the first petition for anticipatory bail. It is further contended that no recovery has been effected from the present petitioner and even the place of recovery does not belong to the present petitioner and as per the case of the prosecution, the petitioner

could not be apprehended at the spot although the raiding party members and other police officials had gone to conduct the raid. It is also contended that it is highly improbable that the petitioner would be able to run away in such a situation. It is submitted that on 04.09.2022, three FIRs including the present FIR have been registered against the petitioner and his relatives without joining of any independent witness on account of political pressure and the allegations in all the three FIRs bearing No.124, 125 and 126, registered on 04.09.2022, are similar, in which, it has been alleged that the concerned persons had fled.

Notice of motion for 30.11.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(VIKAS BAHL)
JUDGE

October 29, 2022"

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Jagtar Singh, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 29.10.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 29.10.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

November 29, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No