

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(218)

CRM-M-49891-2022

Date of decision:- 05.12.2022

Mohammad Kamrul @ Shamsheer Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Siddharth Gupta, 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.120 dated 13.10.2022 registered under Sections 379, 420 and 120-B IPC and Section 7 of the Essential Commodities Act, 1955 at Police Station Sadar Sangrur, District Sangrur.

On 28.10.2022, this Court was pleased to pass the following order:-

“Inter alia, contends that at the time when the raid was conducted, three persons were apprehended at the spot, namely, Sukhwinder Singh, Sohanpreet Singh and Kirpal Singh and the present petitioner was not present at the spot. It is further contended that in fact the petitioner was not in the State of

Punjab and had gone to his native village in District Katihar (Bihar) and travelled against his reserved ticket in the Indian Railways against PNR No.224-9300483 from Phagwara Junction to New Delhi via Andaman Express on 09.10.2022 along with his wife and thereafter, travelled from New Delhi to Katihar Junction on 09.10.2022 and had stayed in Hotel Grand Palace, Gulab Bagh, Purnea, Bihar on 13.10.2022 for a short period and the raid was conducted on 13.10.2022 when the petitioner was not in the State of Punjab. It is also submitted the petitioner is neither the owner of the tanker nor the owner of "Shamsher Da Dhaba" or is running the same as a tenant and has been falsely implicated in the present case.

Notice of motion for 05.12.2022.

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.

October 28, 2022 "

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

Learned State counsel, on instructions from SI Ranjit Singh, has submitted that the petitioner has joined 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 the order dated 28.10.2022, and 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 28.10.2022 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.

December 05, 2022

Davinder Kumar/sunena

**(VIKAS BAHL)
JUDGE**

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