

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-54711-2021
Date of decision: 12.01.2022**

Davinder Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Gursevak Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 30 dated 14.02.2019, registered under Section 61 of the Excise Act, 1914 at Police Station Jamalpur, District Ludhiana.

Learned counsel for the petitioner submits that the name of the petitioner was not in the FIR. It is further submitted that co-accused Rajiv Kumar @ Ravi, Gurdeep Singh @ Sandy and Harwinder Singh @ Happy have already been granted the concession of anticipatory bail by this Court, vide orders dated 06.05.2019, 08.11.2021 and 27.01.2021 passed in CRM-M Nos. 10565 of 2019, 34408 of 2020 and 34414 of 2020, respectively.

Learned counsel for the petitioner submits that while submitting the challan, the name of the petitioner was kept in Column No. 2 and now the police seeks to arrest the petitioner on the pretext that he is not appearing before the trial Court.

Learned State counsel could not dispute the fact that the petitioner was not named in the FIR and his name surfaced on the basis of the disclosure of co-accused Rajiv Kumar @ Ravi. It is also not disputed that the petitioner is not involved in any other case

In view of the same, the present petition is allowed. The petitioner is granted the concession of anticipatory bai, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

12.01.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No