

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-10684-2023
Date of decision: 11.04.2023

GURDEEP SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Tarun Kumar, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No. 11 dated 20.01.2023, under Sections 61 and 78 of the Punjab Excise Act registered at Police Station Koom Kalan, District Police Commissionerate Ludhiana.

On 01.03.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of anticipatory bail to the petitioner in case FIR No.11 dated 20.01.2023, registered under Sections 61, 78 of The Punjab Excise Act at Police Station Koom Kalan, District Police Commissionerate Ludhiana.

Learned counsel contends that there is no recovery to be effected from the petitioner and his name as surfaced based on disclosure statement of co-accused, namely Amandeep Singh who

has since been granted regular bail by the trial court. As a matter of fact, he submits that even the petitioner had been granted anticipatory bail. However, it is only on account of he having not been able to join the investigation in the absence of proper communication, that the petition was dismissed. He further submits that the petitioner is not involved in any other case and is ready and willing to join investigation as and when required by the Investigating Agency.

Notice of motion for 11.04.2023.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 07.03.2023.

In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.”

Learned counsel for the petitioner submits that in pursuance of the above order, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

Learned State counsel on instructions affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 01.03.2023 granting interim bail to him, are hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioner fails to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

11.04.2023

Mehak

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