

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202

CRM-M-12054-2023
Date of decision: 03.07.2023

Kashmir Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sahil Soi, Advocate
for the petitioner

Mr. Manipal Singh Atwal, DAG, Punjab

AMAN CHAUDHARY. J.

1. On 29.03.2023, this Court had passed the following order:-

“Petitioner is seeking anticipatory bail in case bearing FIR No.265 dated 22.12.2022 under Section 61 of Punjab Excise Act, registered at Police Station Shahkot, District Jalandhar Rural.

Short reply by way of affidavit of Gurpreet Singh, Deputy Superintendent of Police, Sub Division Shahkot, District Jalandhar Rural, on behalf of the State has been taken on record.

Learned counsel for the petitioner contends that in pursuance of the secret information, a raid was conducted in a Haveli, from where recovery of 255 bottles of illicit liquor has been effected. The petitioner is not the owner of the premises from where the recovery has been effected.

On the previous date of hearing, it was submitted by the learned State counsel that the premises from which the recovery has been effected is owned by the petitioner. However, the reply indicates that as per the report of Revenue officials, the petitioner has been found to be in possession of the premises. Significantly, it has neither been specified nor clarified during the course of hearing, as to in what capacity the petitioner was in possession of the premises from where the alleged recovery has been effected.

Adjourned to 03.07.2023.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of

Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

2. Learned counsel submits that in pursuance of the above order, the petitioner has not only joined investigation, but 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.
3. Learned State counsel on instructions from ASI Harbhajan Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.
4. 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 29.03.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C.
5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating 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

03.07.2023
Mehak

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No