

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M-17529-2023 (O&M)
Date of decision: 17.07.2023

Hoshiar Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Rajinder Singh Bhatta, Advocate for the petitioner.

Mr. Manipal Singh Attwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. On 10.05.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case of FIR No.0025 dated 12.03.2023, registered under Sections 61-1-14 of Punjab Excise Act, 1914 at Police Station Sadar Jalalabad (W), District Fazilka, Punjab.

Learned counsel contends that the petitioner has been falsely implicated in the case. There was no independent witness, at the time of the alleged recovery, thus the alleged recovery of 2000 liters of Lahan is doubtful. Though, there is another case against him, however, he is on bail in the said case. The petitioner is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

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

Meanwhile, the petitioner is directed to join the investigation on or before 17.05.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as 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.
Adjourned to 17.07.2023.”

2. Learned counsel submits that in pursuance of the aforementioned 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 SI Mukhtiar 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 10.05.2023 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

17.07.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No