

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-54568-2023
Date of decision: 30.11.2023

SARABJIT SINGH
Versus
STATE OF PUNJAB

....Petitioner
...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. G.P.S. Pathania, Advocate for the petitioner.
Mr. Anmol Singh Sandhu, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the
petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
0038	23.09.2023	420, 467, 468, 471 and 120-B of IPC and Section 61 and 78(2) of Excise Act, 1914.	Nangal Bhoor, District Pathankot.

2. It is submitted by learned counsel for the petitioner that in compliance with the order dated 14.11.2023, the petitioner has already joined investigation.
3. Learned State counsel, on instructions from ASI Kuldeep Singh, has intimated that the petitioner has joined investigation and is not required for further investigation in the matter.
4. During the course of hearing on 14.11.2023, following order was passed:

“By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR

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(Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
38	23.09.2023	420, 467, 468, 471 and 120-B of IPC and Sections 61 and 78 (2) of Punjab Excise Act.	Nangal Bhoor, Distirct Pathankot.

2. *Reply by way of an affidavit dated 14th November, 2023 of PPS, Deputy Superintendent of Police, Sub Division City, District Pathankot has been filed by learned State counsel, the same is taken on record. Copy supplied to learned counsel for the petitioner.*
3. *It is, inter alia, contended by learned counsel for the petitioner that neither the petitioner is named in the FIR nor he has any concern with the said transaction. He further submits that petitioner has been nominated on the basis of alleged disclosure statement given by the co-accused, which has no evidentiary value.*
4. *Learned State counsel on instructions from ASI Kuldeep Singh, Police Station Nangal Bhoor, District Pathankot fairly submits that the present petitioner has been nominated in the present petition only on the basis of disclosure statement of one co-accused and there is no other evidence connecting the petitioner with the offence at this stage.*
5. *In view of the circumstances, the petitioner-Sarabjit Singh, is hereby directed to join investigation within seven days and co-operate in the same. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.*
6. *Adjourned to 30th November, 2023.*

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 14.11.2023 passed by this Court, interim bail granted vide order dated 14.11.2023 is, hereby, confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

30.11.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |