

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

208

CRM-M-56466-2022 (O&M)

Date of decision: 12.04.2023

JASVIR SINGH AND ANR

....Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Prateek Pandit, Advocate for the petitioners

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.303 dated 05.11.2022, under Section 61 of the Punjab Excise Act, 1914 registered at Police Station Sultanpur Lodhi District Kapurthala.

On 05.12.2022, this Court had passed the following order:-

“The petitioners seek grant of anticipatory bail in respect of a case registered vide FIR No.303, dated 5.11.2022, Police Station Sultanpur Lodhi, District Kapurthala, under Section 61 of Punjab Excise Act, 1914.

The FIR was lodged pursuant to receipt of a secret information to the effect that the petitioners, who are brothers, indulged in distilling illicit liquor and that they had stored illicit liquor in their house. Pursuant to receipt of aforesaid information, a raid was conducted at the house of the petitioners, from where two cans containing 40 liters each of illicit liquor were recovered. It is further the case of prosecution that none of the petitioners was, however, apprehended at the spot.

Learned counsel for the petitioners submitted that a false case has been lodged against the petitioners on account of party faction as father of the petitioners is a ‘Nambardar’ of the village and is a supporter of Congress Party, whereas the opposite faction/party had a grudge against their father. Learned counsel further submitted that the case of prosecution does not seem plausible inasmuch despite receipt of secret information and presence of as many as 7 police officials, the petitioners could not have escaped from the spot.

Notice of motion for 12.4.2023.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioners submits that in pursuance of order dated 05.12.2022 of this Court, the petitioners have not only joined investigation but have also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.

Learned State counsel on instructions from ASI Darbara Singh affirms the factum of joining the investigation by the petitioners and cooperating with the investigation agency. He also submits that at this stage, the petitioners are 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 petitioners is allowed and the order dated 05.12.2022 granting interim bail to them, is 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 petitioners fail 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 them.

(AMAN CHAUDHARY)
JUDGE

April 12, 2023

S.Sharma(syr)

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