

CRM-M-59292-2023

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH
CRM-M-59292-2023 (O&M)
Date of Decision: 20.12.2023

KULDEEP SINGH

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Arshdeep Kaur, Advocate for
Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 43 dated 01.11.2023 registered under Sections 61/1/14 of the Punjab Excise Act at Police Station Kheri Naudh Singh, District Fatehgarh Sahib, Punjab.

2. On 24.11.2023, following order was passed:

“This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner in a case bearing FIR No.43 dated 01.11.2023 under Sections 61/1/14 of Punjab Excise Act registered at Police Station Kheri Naudh Singh, District Fatehgarh Sahib, Punjab (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the petitioner was neither arrested on spot nor any recovery has been made from his conscious possession. The FIR in question was lodged on the basis of secret information and he has been involved in the present FIR due to party section in the village. He further submits that petitioner is not involved in any other case.

Notice of motion.

On the asking of the Court, Ms. Navreet Kaur Barnala, AAG, Punjab puts in appearance and accepts notice on behalf of the respondent-State.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 05.12.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 20.12.2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."

3. Learned State counsel on instructions from ASI Jatinder Pal Singh, submits that in compliance of order dated 24.11.2023 passed by this Court, the petitioner has joined the investigation on 30.11.2023 and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 24.11.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

20.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No