



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20508-2023(O&M)
Date of Decision : July 24, 2024

NITIN GUPTA

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Nishant Indal, Advocate for
Mr. Karan Sachdeva, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

Mr. Saurabh Goel, Sr. Panel Counsel
for respondent No.2.

KULDEEP TIWARI, J. (Oral)

1. On 25.4.2023, the following order was passed by a co-ordinate

Bench of this Court:-

“Instant petition has been filed under Section 438 Cr.P.C. praying for issuance of directions to the arresting officer to release the petitioner in the event of arrest pursuant to the summons under Section 108 of the Customs Act, 1962, dated 05.04.2023, (Annexure P-1) as issued by respondent No.2 against the petitioner during the course of investigation in File No.Gen/INT/SMLG/21/2022 Baggage- Chial-Cus-Commrte-Ludhiana under Section 135(1)(b) of Customs Act, 1962, at Police Station, Customs, Ludhiana.

It has been contended by counsel for the petitioner that petitioner has been falsely implicated in this case on

the basis of disclosure statement made by co-accused Komal Sharma. It is submitted that coaccused Salman was arrested on 25.05.2022 and name of petitioner surfaced for the first time after ten months of arrest of co-accused Salman and after recording his multiple statements. It is submitted that co-accused of the petitioner, namely, Komal Sharma, has already been granted interim relief by this Court in CRM-M-14898-2023 and the same is fixed for 11.07.2023. He submits that the petitioner approached the Court of learned Additional Sessions Judge, SAS Nagar, Mohali, praying for grant of anticipatory bail, however the same was dismissed on 15.04.2023. He has submitted that petitioner has duly joined the investigation number of times and nothing is to be recovered from him.

Issue notice of motion for 11.07.2023.

To be heard alongwith CRM-M-14898-2023.

On asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Let respondent No.2 be served for the date fixed.

Interim order in the same terms as granted to the petitioner in CRM-M-14898-2023.

Respondent No.2 is directed to file status report on or before the next date of hearing.”

2. Today, the learned Sr. Panel counsel for respondent No.2 on instructions imparted to him by the quarter concerned, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial interrogation. He further submits that the competent authority is going to file final report before the Court concerned.

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3. In view of the specific stand taken by the learned counsel for the respondent-complainant, the present petition is **allowed** and order dated 25.4.2023 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No