

2024:PHHC:088906



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CRM-M-23067-2024 (O&M)

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

CRM-M-23067-2024 (O&M)

Date of Decision: 16.07.2024

ABHINASH SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Aditya Pratap Singh, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

GURBIR SINGH, J (ORAL)

1. This is the petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 23 dated 24.04.2024, under Sections 61, 78(2) of the Punjab Excise Act, 1914 and under Sections 420, 467, 468, 471, 120-B IPC registered at Police Station Narot Jaimal Singh, District Pathankot, Punjab.

2. Vide order dated 08.05.2024, this Court had granted interim bail to the petitioner and directed him to join investigation. The same is reproduced as under:-



“The prayer in the petition under Section 438 Cr.PC is for grant of anticipatory bail to the petitioner in case FIR No.23 dated 24.04.2024 under Sections 61, 78(2) of the Punjab Excise Act, 1914 and under Sections 420, 467, 467, 471, 120-B IPC registered at Police Station Narot Jaimal Singh, District Pathankot, Punjab. The learned counsel for the petitioner contends that the petitioner was not arrested at the spot and even the car in question is not in his ownership. Therefore, the allegations levelled against him appear to be baseless. Notice of motion for 16.07.2024. On the asking of the Bench, Mr. Harkanwar Jeet Singh, Asstt. Advocate General, Punjab accepts notice on behalf of the State. In the meantime, petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.PC :- (i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required; (ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the court or to any police officer; (iii) that the petitioner shall not leave the country without prior permission to the Court and shall surrender his passport(s), if any. Meanwhile the State is directed to file a reply to the petition on or before the next date of hearing. ”

3. Reply has been filed by the respondent-State and the same is taken on record. Learned State counsel, on instructions from the Investigating Officer submits that in compliance of order dated 08.05.2024, petitioner has joined investigation and he is not required for any custodial interrogation.



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- 4. I have heard learned counsel for the parties.
- 5. In view of the fact that the culpability of the petitioner will be decided in the trial of the case and that the petitioner has joined investigation and his custodial interrogation is not required, the order dated 08.05.2024 granting interim bail to the petitioner is made absolute. The petitioner shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.
- 6. Petition stands disposed of accordingly.

16.07.2024
Seema

(GURBIR SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>