

[201] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56385-2023
Date of Decision : 07.02.2024

Nishan Singh and another ...Petitioners
versus

State of PunjabRespondent

Coram : HON’BLE MR. JUSTICE DEEPAK GUPTA

Present : Mr. Sachin Ohri, Advocate for the petitioners.
Mr. Anmol Singh Sandhu, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

[1] Status report by way of affidavit dated 02.02.2024 of Shri Gurwinder Singh, PPS, Deputy Superintendent of Police, Kalanaur-cum-Rural, District Gurdaspur, in compliance of order dated 08.11.2023, on behalf of the respondent-State has been filed in Court today. The same is taken on record.

[2] On 06.12.2023, the following order was passed by this Court:-

“ Present: Mr. Sachin Ohri, Advocate for the petitioners.
Mr. Gurvinder Singh Sidhu, AAG, Punjab.

This is a petition filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.61 dated 03.10.2023, under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Bhaini Mian Khan, District Gurdaspur.

Learned State counsel prays for yet another opportunity to file reply/status report.

Learned counsel for the petitioners submits that the land/havelli from where the recovery is alleged to have been effected does not belong to petitioner No.1. The petitioners were not present at the spot, when the raid was conducted and alleged recovery was effected. Petitioner No.1 was involved in three criminal cases. In one he stands acquitted, in second he has been released on probation and in third one, he is on bail, whereas petitioner No.2 is involved in two other cases and in both of them, he has been released on probation. The petitioners are innocent and have

been falsely implicated in this case. Learned counsel for the petitioners submits that the petitioners are ready to join investigation and cooperate with the investigating agency.

To enable the learned State counsel to file reply/status, adjourned to 07.02.2024.

In the meanwhile, petitioners shall join the investigation and would associate as and when called. In the event of arrest, the petitioners shall be admitted to interim bail on furnishing personal bond and surety to the satisfaction of Arresting Officer/Investigating Officer. The petitioners shall abide by the conditions specified in Section 438(2) Cr.P.C. ”

[3] Today, learned State Counsel, on instructions from ASI Subhash Lal, has informed this Court that the petitioners have joined the investigation, in compliance of the order dated 06.12.2023 and is no longer required for further investigation.

[4] In view of the aforesaid, the order dated 06.12.2023, whereby the petitioners were granted interim anticipatory bail, is hereby made absolute. However, they shall continue to join investigation, if and so required by the Investigating Officer.

[5] Disposed of.

(DEEPAK GUPTA)
JUDGE

07.02.2024
'Rajneesh'

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