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

**C.R.M-M No.15100 of 2016
Date of Decision : 10.08.2016**

Wazir Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Manvinder Sidhu, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl.A.G., Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.104 dated 23.04.2016, registered under Sections 61, 1, 14 of the Punjab Excise Act, 1914, at Police Station Kalanwali, District Sirsa.

On 04.05.2016 the following order was passed:-

“The present petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.104 dated 23.04.2016, under Sections 61/1/14 of the Punjab Excise Act, 1914, registered at Police Station Kalanwali, District Sirsa.

Counsel would inter alia contend that the alleged recovery of a working still as also illicit liquor was from the fields of one Pal Singh s/o Dalip Singh. Further contended that the present petitioner is sought to be implicated only on the basis of secret information. Petitioner was not even apprehended at the spot and as such, no recovery was effected from him. Co-accused, Harnarain Singh is stated to have been arrested and thereafter, granted regular bail. It is also the categorical contention made by counsel that the petitioner is not involved in any other case under the Excise Act.

Notice of motion, returnable for 10.08.2016.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C ”

ASI Bharat Singh has accepted that the petitioner has joined the investigation and he is no more required for custodial interrogation.

In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner in the present case. Ordered accordingly.

Resultantly, the interim order dated 04.05.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

August 10, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No