

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-35505 of 2016

Date of decision:- November 28, 2016

GURINDER SINGH @ GURVIR SINGH

.....PETITIONER..

VS.

STATE OF PUNJAB

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Harpreet S. Rakhra, Advocate,
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

JASPAL SINGH, J. (Oral)

Through instant petition preferred under Section 438 of the Code of Criminal Procedure, petitioner-Gurinder Singh @ Gurvir Singh has sought pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.101, dated 02.08.2016, under Section 61 of the Excise Act, Police Station Kharar, District SAS Nagar.

2. At the time of issuance of notice of motion, following order was passed by this Court on 03.10.2016:-

“Inter-alia, it has been contended by learned counsel for the petitioner that the recovery of illicit liquor has been foisted upon the petitioner. Neither the alleged liquor was recovered from the petitioner nor he was intercepted at the spot. Moreover, the recovery, if any, has already been effected.

Notice of motion for 28.11.2016.

In the meanwhile, petitioner is directed to join the investigation within seven days from the date of certified copy of this order. In the event of arrest, petitioner shall be released on interim bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.”

3. Learned State counsel on instructions from HC Kewal Krishan, Police Station Kharar, District SAS Nagar has fairly conceded that in compliance of order dated 03.10.2016, the petitioner has already joined the investigation and is no more required for further investigation.

4. Taking into consideration the aforesaid aspects of the case but without expressing any opinion on the merits, the petition is allowed and order dated 03.10.2016 is made absolute and shall enure during the pendency of trial but subject to the conditions provided under Section 438 (2) Cr.P.C.

November 28, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reasonable: Yes/No