

CRM-M-24346-2018

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

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Date of Decision: 09.08.2018

Jagdev Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. J.K.Singla, Advocate,
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

INDERJIT SINGH, J. (Oral)

Petitioner-Jagdev Singh has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.238 dated 27.11.2017, registered at Police Station Maur, District Bathinda, under Section 61(1) of the Punjab Excise Act, 1914.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that FIR, in the present case, was registered against the present petitioner and others on the basis of secret

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information. When ASI Harbhajan Singh conducted a raid, then co-accused Rajiv Kumar @ Lipsy, who was unloading the boxes of liquor under a tree, was apprehended on the spot. On the search of vehicle, heavy recovery of countrymade liquor was effected. In the FIR, the only allegation against the present petitioner is regarding connivance.

In pursuance of the interim order dated 31.05.2018 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. In the present case, recovery has already been effected. Therefore, no useful purpose will be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 31.05.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

09.08.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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