

CRM-M-36606-2018

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

CRM-M-36606-2018

Date of Decision: 05.10.2018

Jagdish Singh and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Jaswinder Singh Grewal, Advocate,
for the petitioners.

Mr. Pawan Sharda, Sr. DAG, Punjab.

INDERJIT SINGH, J. (Oral)

Petitioners-Jagdish Singh, Kulwinder Singh @ Pappu and Balwinder Singh have 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.10 dated 21.05.2018, registered at Police Station Vairo Ke, Tehsil Jalalabad, District Fazilka, under Section 61 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 petitioners as well as learned State counsel and gone through the record.

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From the record, I find that FIR, in the present case, has been registered on the basis of secret information. The present petitioners were not apprehended on the spot. As per the prosecution version, a working still, 200 litre *lahan* and 70 bottles of illicit liquor were recovered at the time of raid.

In pursuance of the interim order dated 27.08.2018 passed by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Recovery has already been effected. Nothing is to be recovered from the present petitioners. Therefore, no useful purpose will be served by sending them 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 27.08.2018, granting interim bail to the petitioners, is made absolute. However, the petitioners 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.

05.10.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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