

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-38750 of 2017(O&M)
Date of Decision: 22.01.2018

Harmesh Singh @ Meshi

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Harbhajan Singh, Advocate for the petitioner.

Mr. S.S. Sandhu, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.91 dated 17.9.2017 under section 61 of the Punjab Excise Act, registered at Police Station, Kot Dharmu, District Mansa.

While issuing notice of motion, the following order was passed by this Court on 13.10.2017:-

“Present petition under Section 438 Cr.P.C. for seeking pre-arrest bail to the petitioner(s) in case FIR No. 91 dated 17.9.2017, registered under Section(s) 61 of the Punjab Excise Act, 1914 IPC at Police Station Kot Dharmu, District Mansa.

Learned counsel for the petitioner contended that as per allegations in the first information report, 21 bottles of country made liquor were recovered and the petitioner allegedly fled away from the spot. He further contended that petitioner is ready to join the investigation.

Notice of motion.

On asking of the Court, Mr. A.S.Sandhu,

Additional Advocate General, Punjab accepts notice on behalf of respondent. A copy of paper book be provided to learned counsel for the respondent(s) during the course of the day.

List on 22.1.2018.

Meanwhile, petitioner(s) is directed to join the investigation. In the event of arrest, petitioner(s) shall be released on interim bail to the satisfaction of the Investigating Officer. The petitioner(s) will join the investigation as and when called for and shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from HC Manpreet Singh would apprise the Court that the petitioner has since joined investigation.

Even though, the instant petition was opposed by learned State counsel on the ground that the petitioner is involved in five other matters under the Excise Act, yet, it has been fairly conceded that the petitioner is on bail in all such proceedings.

Petitioner having joined investigation, his custodial interrogation, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 13.10.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

22.01.2018
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No