

Sr. No.241

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

CRM No. M-47201 of 2017 (O&M)

Date of Decision: 15.01.2018

Baldev Singh @ Debhu

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. G.S.Bhatia, Advocate,
for the petitioner.

Mr. S.S.Sandhu, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant petition has been preferred under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.294 dated 04.10.2017 under Section 61/1/14 of Excise Act, registered at Police Station 'A' Division, District Amritsar.

While issuing notice of motion, the following order was passed by this Court on 12.12.2017:-

“Present petition under Section 438 Cr.P.C. for seeking pre-arrest bail to the petitioner(s) in case FIR No. 294 dated 4.10.2017, registered under Section(s) 61/1/14 of the Excise Act, 1914 at Police Station “A” Division, District Amritsar.

Learned counsel for the petitioner contended that petitioner was not apprehended on the spot and nothing was recovered from him. Learned counsel further contended that petitioner has been falsely implicated in this case under the Excise Act

and he is ready to join investigation.

Notice of motion.

On asking of the Court, Ms.Jaspreet Kaur, Assistant Advocate General, Punjab accepts notice on behalf of respondent. A copy of paperbook be provided to learned counsel for the respondent(s) during the course of the day.

List on 15.1.2018.

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 ASI Surinder Singh apprises the Court that the petitioner has already joined investigation.

The observations made in the notice of motion order have gone un rebutted.

State counsel further concedes that the petitioner is not involved in any other criminal proceedings under the Excise Act.

Under such circumstances, custodial interrogation of the petitioner is not warranted.

Petition is allowed. Order dated 12.12.2017 passed by this Court is made absolute.

15.01.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No