

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

228

CRM-M-50877-2018 (O & M)
Date of Decision:20.12.2018

Lakhveer Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gurpreet Singh Sandhu, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.225 dated 19.10.2018, under Sections 61/78 of The Punjab Excise Act, 1914 (Section 109 IPC added later on) registered at Police Station Sangat, District Bathinda. .

On 10.12.2018, this Court had passed the following order:-

“This application has been filed under Section 482 Cr.P.C. read with Section 438 Cr.P.C. for granting the anticipatory bail to the petitioner in the additional Section 109 IPC, 1860 added later on in FIR No.225 dated 19.10.2018, registered at Police Station Sangat, District Bathinda vide Rapat No.11 dated 25.11.2018.

Notice of this application was issued to respondent-State.

Mr. Pawan Sharda, Sr. DAG, Punjab, has put in appearance on behalf of the respondent-State.

Learned counsel for applicant-petitioner submits

that Section 109 of Indian Penal Code has been added later on by the police in the abovesaid FIR, therefore, the applicant-petitioner could not be granted interim bail under Section 109 of IPC.

Learned State counsel has no objection to the above-said prayer.

Heard.

In view of the submissions made by learned counsel for the applicant-petitioner, the application is allowed.

Applicant-petitioner Lakhveer Singh is ordered to be released on anticipatory bail for offence u/s 109 of the Indian Penal Code also on the same terms and conditions as contained in order dated 19.11.2018 passed by this Court.

This order shall form part of earlier order dated 19.11.2018.”

Learned counsel for the petitioner contends that in pursuance of the order dated 10.12.2018, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Baltej Singh submits that the petitioner has joined the investigation and they are not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 10.12.2018, is made absolute.

The petition stands allowed.

20.12.2018

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No