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

**CRM-M-6230-2018
Date of Decision: 15.02.2018**

Nima Masih

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner.

SUDIP AHLUWALIA J. (ORAL)

Notice of motion.

[2]. On the asking of the Court, Mr. Luvinder Sofat, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent-State. Let a copy of the paper-book be supplied to him during the course of the day.

[3]. In this petition, the petitioner prays for being released on bail in case FIR No.53 dated 27.07.2017, under Sections 61/1/14 of Punjab Excise Act, 1914, registered at Police Station Ghuman Kalan, District Gurdaspur. He was earlier granted anticipatory bail by the Ld. Court below. He, however, failed to appear before the Investigating Officer to join the investigation on account of which the interim bail was cancelled.

[4]. The petitioner's explanation in this regard is that in the meantime a second FIR bearing No.57 dated 01.08.2017 had been registered against him in which non-bailable offence under Section 452 of the IPC was initially mentioned. It now transpires that the said offence has been deleted

in the second FIR, and the petitioner submits that he is now willing to join the investigation.

[5]. In the circumstances, the prayer is allowed and the interim anticipatory bail granted to the petitioner earlier by the Ld. Trial Court is ordered to be restored subject to compliance of the same terms and conditions with a further direction that final confirmation of such interim bail shall be determined by the Ld. Court below itself independently on merits after setting aside the relevant order.

[6]. Disposed off.

15.02.2018

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No