

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

CRM-M No. 12550 of 2019

Date of Decision:-30.07.2019

Gulab

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- None for the petitioner.

ASI Tarsem Singh in person
for the State.

MANOJ BAJAJ J.(Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.27 dated 19.2.2019, under Section 61 of the Punjab Excise Act, 1914, registered at Police Station City-I Abohar, District Fazilka. The petitioner apprehend his arrest at the hands of Police.

This Court vide order dated 18.3.2019, while issuing notice of motion to the respondent-State, extended the interim protection to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner, inter alia, contends that the petitioner is identically situated as the co-accused and the said co-accused has been granted interim bail by the Court of Sessions. Recovery has already been effected from him and thus, custodial

interrogation of the petitioner is not necessary.

Notice of motion for 30.7.2019.

In the meantime, the petitioner is directed to join investigation with the Investigating Officer on 4.4.2019 at 10:00 A.M. and cooperate therewith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to his compliance of the conditions enshrined under Section 438(2) Cr.P.C. ”

Upon a call given by Punjab & Haryana High Court Bar Association, the lawyers are abstaining from appearance.

However, ASI Tarsem Singh, who is present in person on behalf of State does not dispute this fact that the petitioner has joined the investigation. He further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 18.3.2019 is made absolute. However, it is made clear that this order shall remain operative only till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

July 30, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No