

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

202

CRM-M-40066-2018 (O & M)
Date of Decision:07.01.2019

Bodh Raj @ Kaka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Munish Puri, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, 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 case FIR No.84 dated 11.08.2018, under Section 61 of The Punjab Excise Act, 1914 registered at Police Station Sujampur, District Pathankot.

On 13.09.2018, this Court had passed the following order:-

“Learned counsel for the petitioner submits that petitioner was not arrested at the spot and as per the allegations, two cartons having 24 bottles of 'Rock Star Deluxe Whisky' for sale in 'Arunachal Pradesh only' was recovered from the house of petitioner. Petitioner is not involved in any case under the Excise Act and has been involved in this case due to some ulterior motive.

Notice of motion for 10.12.2018.

Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing

bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.”

Learned counsel for the petitioner contends that in pursuance of the order dated 13.09.2018, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Balwinder Kumar submits that the petitioner has joined the investigation and is 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 13.09.2018, is made absolute.

The petition stands allowed.

07.01.2019

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(MANOJ BAJAJ)
JUDGE

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