

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

**CRM-M No. 24803 of 2019
Date of Decision:-31.10.2019**

Satpal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Priyanshu Kamra, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

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.35 dated 07.5.2019, under Section 61 of Excise Act, 1914, registered at Police Station Khui Khera, District Fazilka. The petitioner apprehended his arrest at the hands of Police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 29.5.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“ Learned counsel for the petitioner contends that the FIR is founded on secret information, wherein, it was revealed that the petitioner is selling the liquor illegally. The said information was delivered to State Election Commission, whereupon, the locks of the shop of petitioner were broken and the liquor was recovered from the shop. According to him there is nothing to indicate that the petitioner was actually present at the spot or was indulging in selling of liquor during the prohibition period. He further states that the petitioner is not required for custodial interrogation for the time being.

Notice of motion for 31.10.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Jaspal does not dispute this fact that the petitioner has joined the investigation. Learned

counsel on instructions from ASI Jaspal 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 29.5.2019 is made absolute.

October 31, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No