

218-2

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

CRM-M-25518 of 2019

Date of decision: July 19, 2019

Mandeep Singh @ Gaggu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. A.K. Sama, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioner, in FIR No.44 dated 03.05.2019, under Sections 61/1/14 of the Punjab Excise Act, 1914, registered at Police Station Bahav Wala, District Fazilka.

As per prosecution case, from the residential house of Banwari Lal, Amarpura Colony, 40 bottles of country made liquor mark Malta (Haryana) and 10 bottles of country made liquor mark Malta Shahi (Haryana) were recovered.

On 31.05.2019, while issuing notice of motion, this Court has passed the following order:-

“Contents that recovery of alleged contraband i.e. 40 bottles of country made liquor mark Malta (Hayana) and 10 bottles of country made liquor mark Malta Shahi (Haryana) has already been effected from one Banwari Lal.

Notice of motion for 19.07.2019.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail till the next date of hearing in the present case on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.

To be heard along with CRM-M-23978-2019.”

Learned State counsel, on instructions from police official present in Court to assist him, has submitted that petitioner has joined investigation in terms of order dated 31.05.2019 and his custodial interrogation is not required.

In view of the above, order dated 31.05.2019 granting interim bail to the petitioner, is made absolute, subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

July 19, 2019
mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**