

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

CRM-M-26040-2019

Date of Decision: 23.07.2019

Joginder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE MANOJ BAJAJ

Present : Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, D.A.G. Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure for grant of Pre-arrest bail in case FIR No.67 dated 16.04.2019 registered under Section 61 (i) (a) of Punjab Excise Act, 1914 (Punjab Act No.1 of Year 1914) at Police Station Sidhwan Bet, District Ludhiana.

Learned counsel for the petitioner contends that 96 bottles of liquor were allegedly recovered from the house of the petitioner, whereas the petitioner was not at home at the time of recovery. He further contends that in fact nothing was recovered from the house of the petitioner and the reliance has been placed upon the certificate issued by the respectables of the village (Annexure P-1). He further submits that recoveries have already been effected and the custodial interrogation of petitioner may not be required.

On the other hand, learned State counsel assisted by ASI Resham Singh has opposed the prayer on the ground that 96 bottles of liquor were recovered from the house of the petitioner. It is pointed out that

there is another case of similar nature against the petitioner which is pending trial. He has fairly conceded that the petitioner was not at home when the alleged recovery was effected and in fact no one was at home when the raid was conducted. Learned State counsel on instructions states that no zimini order regarding search was entered.

Considering the above background, it is ordered that in the event of arrest of the petitioner, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join investigation as and when called for by the Investigating Officer. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The present petition is allowed accordingly.

23.07.2019

rajeev

**(MANOJ BAJAJ)
JUDGE****Whether speaking/reasoned****Yes/No****Whether reportable****Yes/No**