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

**CRM-M-27925 of 2019 (O&M)  
Date of decision: July 26, 2019**

Narinder Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

**Present:** None for the petitioner.

Assistant Sub Inspector-Gurmail Singh.

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**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.147 dated 16.06.2019, under Section 61 of Punjab Excise Act, 194, registered at Police Station Sadar Fazilka, District Fazilka.

As per prosecution case, 51 boxes of whisky were allegedly recovered from the fields of the petitioner.

On 08.07.2019, this Court has passed the following order:-

*“Let an affidavit of Senior Superintendent of Police, Fazilka be filed regarding status of case property, i.e. 51 boxes of liquor, in the present case, on or before the next date.*

*Adjourned to 26.07.2019.*

*In the meanwhile, petitioner is directed to join 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**, 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) of Code of Criminal Procedure, 1973.”*

In response to notice of motion issued by this Court, affidavit of Bhupinder Singh, PPS, Senior Superintendent of Police, Fazilka, District Fazilka has been filed by Assistant Sub Inspector Gurmail Singh, today in Court, and the same is taken on record.

Perusal of Para-3 of the same reveals that case property is lying in the Malkhana.

It has been stated by Assistant Sub Inspector Gurmail Singh that petitioner has joined investigation in terms of order dated 08.07.2019, recovery has already been effected; and as such, his custodial interrogation is not required.

In view of the above, order dated 08.07.2019 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 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 26, 2019**

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No