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

CRM-M-32431 of 2019

Date of decision: November 19, 2019

Jiwan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Monisha Lamba, Advocate for the petitioner.

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

MAHABIR SINGH SINDHU, J

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 petitioner, in FIR No.96 dated 12.07.2019, under Sections 61, 78(2) of the Punjab Excise Act, 1914, registered at Police Station Jhunir, District Mansa.

In pursuance to order dated 18.09.2019 passed by this Court, a communication dated 10.10.2019 has been received from the office of Senior Superintendent of Police, Mansa (Flag 'A').

On 18.09.2019, this Court has passed the following order:-

“It has been pointed out by learned counsel for the petitioner that despite the presence of seven police officials, it has been alleged that petitioner ran away from the spot. It is not conceivable as to how the petitioner successfully escaped despite the presence of seven police

officials?

The Superintendent of Police, Mansa, is directed to take suitable action against all the police officials and submit his report to this Court within two weeks.

Adjourned to 19.11.2019.

In the meanwhile, the 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) Cr.P.C.”

Learned State counsel, on instructions from HC Balbir Singh, has stated that in terms of order dated 18.09.2019, the petitioner has joined investigation and his custodial interrogation is not required. Also apprised the Court that disciplinary action against the erring police official(s) has already been initiated, in this case.

In view of the above, order dated 18.09.2019 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.

In view of the letter dated 10.10.2019 (Flag 'A'), final decision be taken against the erring police official(s) within a period of eight weeks from today and the same be communicated to the

Registry of this Court.

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

(MAHABIR SINGH SINDHU)
JUDGE

November 19, 2019
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No