

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

CRM-M-35966 of 2019(O&M)

Date of Decision: 22.10.2019

Sagar

....Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Kawaljyot Singh, Advocate  
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

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**MAHABIR SINGH SINDHU, J.(Oral)**

Present petition has been filed under Section 438 Cr.P.C.  
seeking pre arrest bail in case FIR No.187 dated 30.07.2019, under  
Section 61 of the Punjab Excise Act, 1914 registered at Police Station  
City Moga, District Moga.

On 30.08.2019 while issuing notice of motion the  
following order was passed by this Court:

“Contents that recovery of alleged country-made liquor  
was effected from the canter bearing registration No. PB-  
11BA-8169, which does not belong to the petitioner.

Notice of motion for 21.10.2019.

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 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.”

It is contended by learned counsel for the petitioner that

in terms of the above order, petitioner has already joined investigation.

Learned State counsel on instructions from ASI Gurdev Singh has acknowledged the above factual position and stated that the custodial interrogation of the petitioner is no longer required in the present case.

In view of the above, order dated 30.08.2019 is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off.

However, it is made clear that above observations may not be construed as an expression of opinion on the merit of the case pending before learned trial Court.

**[MAHABIR SINGH SINDHU]**  
**JUDGE**

October 22, 2019

*rashmi*

Whether speaking/reasoned

Yes/no

Whether reportable?

Yes/no