

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

CRM-M-44632-2019
Date of Decision:09.12.2019

Gulab SinghPetitioner

Versus

State of Punjab ...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Pankaj Garg, Advocate
for the petitioner.

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

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 438 Cr.P.C.
seeking pre arrest bail in case FIR No.66 dated 26.09.2019 under
Sections 61/1/14 of the Punjab Excise Act, 1994, registered at Police
Station Sehna, District Barnala.

On 19.10.2019 while issuing notice of motion, the
following order was passed by this Court:

*“ Contends that the recovery of the alleged contraband,
i.e. 482 bottles of country made liquor was already
effected from the car bearing registration No. PB-10-BS-
0288, which does not belong to the petitioner.*

Notice of motion returnable on 09.12.2019.

*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) of
Code of Criminal Procedure, 1973”*

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 Chamkaur 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 19.10.2019 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

December 09, 2019

rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no