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

CRM-M-45206 of 2019

Date of decision: November 25, 2019

Harnek Kumar @ Harnek Singh @ Golu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Simranjeet Singh Sarwara, 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.203 dated 24.07.2019, under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Dera Bassi, District SAS Nagar Mohali.

On 23.10.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that recovery of contraband i.e. 9 boxes of country made liquor Dilber Santra (total 108 bottles) has already been effected from Car bearing registration No. PB65-A-1618 and that does not belong to the petitioner.

Notice of motion for 25.11.2019.

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.”

Learned State counsel, on instructions from ASI Ashok Kumar, has stated that in terms of order dated 23.10.2019, the petitioner has joined investigation and his custodial interrogation is not required.

In view of the above, order dated 23.10.2019 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.

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

(MAHABIR SINGH SINDHU)
JUDGE

November 25, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No