

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

**CRM-M No.49642 of 2019 (O&M)
Date of Decision: 12.12.2019**

Rahul

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Amit Dhawan, Advocate for the petitioner.

Mr. V.G.Jauhar, Sr. DAG, Punjab
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case bearing FIR No.109 dated 26.10.2019, under Section 61 of the Punjab Excise Act, 1914, registered at Police Station City Nakodar, District Jalandhar.

This Court, while issuing notice of motion on the previous date of hearing i.e. 22.11.2019, passed the following order:-

“ The petitioner is seeking anticipatory bail in FIR No.109 dated 26.10.2019 under Sections 61 of Punjab Excise Act 1914 registered at Police Station City Nakodar, District Jalandhar.

Learned counsel for the petitioner contends that the allegations in the FIR are that there are seven boxes (12 bottles each) of Indian made foreign liquor meant for sale in Arunachal Pradesh were allegedly recovered from the co-accused. The petitioner was alleged to run away from the spot. The petitioner is not involved in any other case under the Excise Act.

Issue notice returnable on 12.12.2019.

In the meantime, the petitioner is directed to appear before the investigating/arresting officer and join investigation. In the event of his arrest, the investigating/arresting officer shall release the petitioner on ad interim bail subject to his satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C. ”

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

Learned State Counsel, on instructions from ASI Butta Ram, has acknowledged that in terms of order dated 22.11.2019, petitioner has joined the investigation and his custodial interrogation is not required. Also stated that there is no other criminal case pending against the petitioner.

In view of above, interim order dated 22.11.2019 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

Disposed off accordingly.

December 12, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No