

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

CRM-M-54554-2018

Date of decision-05.07.2019

Harpreet Sharma

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.S.Sekhon, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab assisted by
HC Rajinder.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.97 dated 28.08.2018 under Section 61 (2) of Punjab Excise Act, 1914 registered at Police Station Cantt Ferozepur, District Ferozepur. The petitioner apprehend his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 14.12.2018 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the alleged recovery was effected from a Canter being driven by Pawanjit Singh and it is on the basis of his statement, petitioner has been indicted in this case on the ground that the said liquor was to be delivered to him. It is contended that no case is made out against the petitioner as before the alleged delivery the liquor stands

recovered.

Notice of motion for 28.1.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by HC Rajinder does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from HC Rajinder further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 14.12.2018 is made absolute. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

05.07.2019

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No