

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

CRM-M-12252-2020 (O&M)

Date of Decision: 29.07.2020

Rajesh Wadhwa and another

.....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Raman Goklaney, Advocate for the petitioners.

Mr. A.S. Sandhu, Addl. A.G. Punjab.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in FIR No.39 dated 24.03.2020 under Section 61 of Punjab Excise Act, registered at Police Station Khuli Khera, District Fazilka.

While issuing of notice of motion, the following order was passed by this Court on 13.05.2020:-

“Matter has been taken up through video conferencing via WhatsApp facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioners seek concession of pre-arrest bail in FIR No.39 dated 24.3.2020 registered under Section 61 of Punjab Excise Act at Police Station, Khuhi Khera, District Fazilka.

Counsel submits that the FIR has been registered on the basis of a secret information. Alleged recovery of 310 bottles of country made liquor has already been effected. Petitioners were not present at the spot and in any case they are ready and willing to join investigation.

Notice of motion, returnable for 29.7.2020.

On the asking of the Court, Mr. Gaurav Garg Dhuriwala learned Sr. D.A.G., Punjab, who has also joined proceedings in this WhatsApp facility, accepts notice. A complete copy of the petition already stands furnished to learned State counsel.

In the meanwhile, petitioners are directed to join investigation. In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from HC Amandeep Singh, informs the Court that the petitioners have since joined investigation and are not required for custodial interrogation.

In view of the above petition is allowed. Order dated 13.05.2020 is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

July 29, 2020

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No