

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

**CRM-M No.14786 of 2020 (O&M)
Date of Decision: 26.08.2020**

Marha Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Digvijay Nagpal, Advocate for the petitioner.

Mr. H.S.Sitta, AAG, Punjab for the respondent.

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 FIR No.76 dated 19.05.2020, under Section 61/1/14 of the Punjab Excise Act, 1914, registered at Police Station Sadar Budhlada, District Mansa, Punjab.

The co-ordinate Bench of this Court, while issuing notice of motion on 11.06.2020, passed the following order:-

“ *Learned counsel for the petitioner argues that neither the petitioner was named in the FIR nor there is any allegation qua him in the FIR. Notwithstanding, the petitioner apprehends that he may be arrested in view of the disclosure statement made by the prime accused based on which the petitioner has been arrayed as co-accused in the FIR.*

Notice of motion.

Mr. Luvinder Sofat, AAG Punjab, who has joined proceedings, on service of advance copy of petition, accepts notice on behalf of State of Punjab.

On a query posed by the Court, learned State counsel submits that as per his instructions, there is no case history qua the petitioner and he has never been involved in any criminal

antecedents in the past.

Adjourned to 26.08.2020.

Let a status report be filed on or before the next date of hearing.

In the meanwhile, petitioner is directed to join the investigation and, if sought to be arrested, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 sub section 2 clause (i) (ii) and (iii) of the Code of Criminal Procedure. ”

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

Learned State Counsel, on instructions from A.S.I. Jasbir Singh, has acknowledged that in terms of order dated 11.06.2020, petitioner has joined the investigation and his custodial interrogation is not required.

In view of above, interim order dated 11.06.2020 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.

August 26, 2020
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>