

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

CRM-M-18815-2020 (O&M)

Date of Decision: 10.09.2020

Major Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

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

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

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TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the 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 petitioner in case FIR No.203, dated 05.10.2019, under Section 61 of the Punjab Excise Act (Section 420 IPC added later on), registered at Police Station Sadar Ferozepur, District Ferozepur.

While issuing notice of motion, the following order was passed by this Court on 22.07.2020:

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

CRM-17147-2020

Application is allowed as prayed for.

The offence under Section 420 I.P.C is permitted to be added in the head note as well as in the prayer clause of the main petition. The accompanying copy of the amended petition filed under Section 438 Cr.P.C is also taken on record.

Main Petition

Petitioner seeks concession of pre-arrest bail in FIR No.203 dated 5.10.2019 registered under Section 61 of Punjab Excise Act (Section 420 I.P.C added later on) at Police Station, Sadar Ferozepur, District Ferozepur.

Counsel would inter alia contend that the alleged recovery of 130 bottles of illicit liquor has been effected from co-accused Anoop Singh (non-applicant) and who was stated to be apprehended on the spot. No recovery has been effected from the conscious possession of the petitioner.

Learned State counsel upon instructions from ASI Sukhwinder Singh confirms that the petitioner is not involved in any other case under the Excise Act.

Notice of motion, returnable for 10.9.2020.

In the meanwhile, petitioner is directed to join investigation.

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

Learned State counsel upon instructions from ASI Sukhwinder Singh informs the Court that the the petitioner has since joined investigation and is not required for any custodial interrogation.

In view of the above, petition is allowed.

Order dated 22.07.2020 passed by this Court is made absolute.

10.09.2020*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |