

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

CRM-M-21082 of 2020

Date of decision: September 23, 2020

Nirmal Singh @ Nimma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. J.S. Mahal, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Ashok Kumar Verma, J.(oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.154 dated 06.07.2020, registered at Police Station Dhariwal, District Gurdaspur, under Section 61 of Punjab Excise Act, 1914.

Learned State counsel (on the instructions from ASI Harbhajan Chand submits that the petitioner has joined the investigation on 4.8.2020 and is no longer required for custodial interrogation.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that as per the prosecution version, on the basis of secret information, a raid was conducted at the house of the petitioner, who fled away on seeing the police party and a plastic cane containing 30 bottles of illicit was recovered.

In pursuance of the interim order dated 30.7.2020, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Therefore, no useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 30.7.2020, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

However, nothing stated above shall constitute my opinion on merits of the case.

(ASHOK KUMAR VERMA)
JUDGE

September 23, 2020
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No