

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

Date of Decision: January 10, 2020

Shiva

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amandeep Singh, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab,
for the State.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.129 dated 10.09.2018, under Section 61 of the Punjab Excise Act, 1961, registered at Police Station, Khanna City-2, Police District Khanna. 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 29.08.2019, 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 petitioner was not present at the spot from where the alleged recovery of illicit liquor was effected. It is pointed out that the place of recovery is open place accessible to all. He submits that the custodial interrogation of the petitioner in the given facts may

not be required.

Notice of motion for 10.01.2020.

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 State Counsel, on instructions from ASI Ranjit Singh, has apprised the Court that the petitioner has not joined the investigation.

At this stage, learned counsel for the petitioner submits that as per his instructions, the petitioner has joined the investigation. He submits that even otherwise the alleged recovery is from the open place and the petitioner was not found present at the spot.

Considering the nature of the offence and the case set up by the prosecution, the petition is allowed and the interim bail granted by this Court vide order dated 29.08.2019 is made absolute. The petitioner is directed to join the investigation as and when called for.

Petition stands disposed off.

January 10, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No