

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44045-2019
Date of Decision: 06.03.2020

Balvir Singh

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gaurav Rathore, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG Punjab assisted by
ASI Karnail Singh.

* * *

VIVEK PURI, 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.99 dated 05.10.2019, under Section 61 of Punjab Excise Act, 1914 registered at Police Station Sadar Budhlada, District Mansa.

On 17.10.2019 following order was passed:

“Learned counsel for the petitioner contends that the petitioner has been wrongly involved in this case. The petitioner is not involved in any activity of distillation of liquor. The name of the petitioner has been dragged in the case only on the basis of some alleged secret information; pursuant to which the Police claims to have recovered 20 kg of lahan from a motor room in the fields. However, neither the said room belongs exclusively to the petitioner, nor the petitioner was present when the alleged recovery was effected. Even no independent witness has been joined by the Police at the time of the alleged recovery.

Notice of motion for 06.03.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

It has been stated by learned counsel for the petitioner that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court and nothing has to be recovered from him. He is no more required for the purpose of investigation.

Learned State counsel, on instructions from ASI Karnail Singh, has not disputed the factual position of the case and conceded that custodial interrogation of the petitioner is no more required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 17.10.2019 is made absolute.

The petition stands allowed.

(VIVEK PURI)
JUDGE

06.03.2020
Janki

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