

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-453-2021 (O&M)
Date of Decision:-25.8.2021

Shamsher Singh @ Sheru

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Sakkater Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.171 dated 2.8.2020 under Section 61 of the Excise Act, 1914 at Police Station Hargobindpur District Gurdaspur.
2. At the time of issuance of notice of motion on 7.1.2021, the following order was passed :

“Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case wherein it is alleged that upon receipt of secret information, the police recovered 30 bottles of illicit liquor from an open space and that the petitioner, however, ran away from the spot. It is submitted that

the petitioner was never present at the spot and nor any recovery was ever effected from him.

Notice of motion for 6.5.2021.

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

3. Learned State counsel, upon instructions from ASI Sakkater Singh, has informed that pursuant to interim directions, the petitioner has joined investigation and that challan stands presented.
4. Having regard to the aforestated position wherein the petitioner was not arrested at the spot and is stated to have joined investigation and infact challan is also stated to have been presented, his custodial interrogation is not warranted.
5. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 7.1.2021 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

25.8.2021

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No