

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

205

**CRM-M-432-2020 (O&M)
Date of Decision: 13.09.2021**

Hardeep Singh and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Gurpreet Singh Sandhu, Advocate
for the petitioners.

Mr. Harbir Sandhu, DAG, Punjab
assisted by HC Gurmeet Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.98 dated 27.11.2019 at Police Station Nandgarh, District Bathinda, under Section 61 of the Punjab Excise Act (Sections 22/29/61/85 of the NDPS Act added later on).
2. At the time of issuance of notice of motion, the following order was passed:

“A case has been registered on the basis of a secret information to the effect that petitioners along with co-accused Raju Singh and Nikka Singh are habitual of bringing liquor from the State of Haryana. A raid was conducted. In pursuance of the raid only Nikka Singh was apprehended along with 84 bottles of liquor. Subsequently,

during the investigation of Nikka Singh it had emerged that he had been consuming intoxicating tablets after getting the same from Jaggi Singh. The name of the petitioner do not find mention in the interrogation of the co-accused with regard to the procurement of the intoxicating substance.

Notice of motion for 20.2.2020.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

3. Learned State counsel has informed that pursuant to interim directions issued by this Court, the petitioners have since joined investigation and are not required for any custodial interrogation.
4. In view of the aforestated position, wherein the petitioners were not arrested at the spot and are stated to have joined investigation, their custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 09.01.2020 are hereby made absolute subject to the condition that the petitioners 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.

13.09.2021

VY

(GURVINDER SINGH GILL)

JUDGE

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