

CRM-M-11436-2021

Date of decision: 15.09.2021

Rajpal Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

Coram: Hon'ble Mr. Justice B.S. Walia

Present : Mr. Ajay Kumar, Advocate for
Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

B.S. Walia, J. (Oral)

1. Payer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.183 dated 02.08.2020, registered under Section 61 Punjab Excise Act, 1914, at Police Station Mehatpur, Jalandhar.

2. On 12.03.2021, the following order was passed:-

“This is a petition that has been filed for grant of anticipatory bail to the petitioner in FIR No.183 dated 02.08.2020 registered under Section 61 of the Excise Act, 1914 at Police Station Mehatpur, District Jalandhar. Counsel for the petitioner would contend that based on secret information, a raid was conducted and there was alleged recovery of 2000 ltrs of *lahan* and 13 tarpaulin, which would not belong to the petitioner herein. It is argued that even the land where the alleged distillation is taking place does not belong to the petitioner. The petitioner though named in the FIR was not arrested at the spot and the recovery already stands effected.

Notice of motion for 15.09.2021.

Mr. M.S. Nagra, DAG, Punjab, who is present through the medium of video conferencing accepts notice for the respondent-State. Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to 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.

3. Today, learned counsel for the petitioner contends while learned State Counsel on instructions from *ASI Sukhdev Singh* confirms that pursuant to the order of this Court dated 12.03.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

4. In view of the statement of learned State Counsel, order dated 12.03.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

5. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

15.09.2021
'jyoti-iv'

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