

CRM-M-14616-2021

Date of Decision: 13.10.2021.

RAJ KUMAR @ RAJU

...Petitioner

vs.

STATE OF PUNJAB

...Respondent

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

Present: Mr. Gopal Singh Nehal, Advocate for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.309 dated 26.12.2020, registered under Sections 61,1,14 Punjab Excise Act, 1914, at Police Station City Sunam, District Sangrur.
3. On 01.04.2021, the following order was passed:-
“Learned counsel contends that the petitioner has been implicated in a false case on the allegations of raid conducted on the basis of secret information leading to registration of FIR and the petitioner fleeing from the backside of New Grain Market Shop at Railway Line leading to recovery of 45 bottles of liquor from the spot. Learned counsel contends that despite receipt of secret information and the location being a heavily crowded area, no independent witness was joined nor was any videography conducted besides the petitioner is ready and willing to join investigation and fully cooperate with the police.
Notice of motion.
Mr. Sandeep Kumar, DAG, Punjab, accepts notice on behalf of the respondent and requests for an adjournment to file reply.
Adjourned to 17.05.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail subject to his furnishing bail bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated.”

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from *ASI, Gurbhajan Singh*, confirms that pursuant to the order of this Court dated 01.04.2021, 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.

5. In view of the statement of learned State counsel, order dated 01.04.2021, 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.

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

(B.S. Walia)
Judge

13.10.2021
Rajesh-renu

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>