

Didar Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Harshit Jain, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conference.

On August 09, 2021, the following order had been passed by this court, reproducing therein the order earlier passed on 10.07.2021:-

“Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'pre-arrest bail' upon FIR No. 194 having been registered at Police Station Dhuri, District Sangrur, on 23.05.2020, alleging therein the commission of offences punishable under the provisions of Sections 61/1/14 of the Punjab Excise Act, 1914. On 10.07.2021, i.e. more than one year ago, the following order had been passed by this court:-

“Learned counsel for the petitioner would contend that the petitioner has been falsely implicated in the FIR primarily on the ground that he has taken the land on lease from Malkiat Singh Mann, who prepared illegal liquor. He further contends that as on date, no such lease deed has been executed neither was he in occupation of the premises where the illegal liquor was being prepared.

Notice of motion.

On the asking of Court, Ms. Rashmi Attri, AAG, Punjab, who is present in Court through the medium of video conferencing, accepts notice for the respondent-State. Counsel for the petitioner is directed to supply requisite number of copies of complete paper book to the counsel appearing for the respondent State.

Counsel for the respondent-State seeks some time to apprise the Court as to whether the land has been leased by Malkiat Singh Mann to the petitioner herein and if not, how was he in occupation of the said land.

Adjourned to 21.07.2020.

Till the next date of hearing, no coercive steps be taken against the petitioner.”

The State having sought time thereafter on two dates but with still no affidavit filed, today learned State counsel (on instructions) submits that the land on which the 'Lahan' was recovered, actually belongs to Malkiat Singh Mann but has been taken on lease by the petitioners' father, with the petitioner residing with his father.

Adjourned to 22.09.2021.

In view of the above, without making any comment on the actual merits of the case at this stage, upon the petitioner joining investigation within one week from today, in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with the conditions stipulated in Section 438 (2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

A gazetted officer is directed to positively file a reply to the petition before the next date of hearing.”

Today, with no reply is still being on record, learned State counsel submits, on instructions from ASI Rajwinder Pal Singh, that the petitioners' custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, this petition has actually been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

September 22, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES

Whether Reportable : NO