

CRM-M-26522-2021

Date of Decision : 20.08.2021

BAWA SINGH

...Petitioner

versus

STATE OF PUNJAB

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Rahul Bhargava, Advocate for the petitioner.
Mr. B.S.Sewak, Addl. AG, 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. 139 dated 02.09.2020 registered under Sections 61, Punjab Excise Act, 1914 at Police Station Gharinda, District Amritsar.
3. On 12.07.2021, the following order was passed:-

“ Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Learned counsel contends that the petitioner has been implicated in the instant case solely on the basis of secret information leading to alleged recovery of 40kg Lahan from his premises in his absence and without associating any independent witness or for that matter carrying out videography.

Learned counsel further contends that the petitioner has no other case registered against him, besides he is ready and willing to join investigation and fully co-operate with the police.

Mr. Sukhbeer Singh, learned Assistant Advocate General, Punjab, on instructions from ASI Amarjit Singh confirms the factual position as noted above, however, requests for time to file reply.

Adjourned to 20.08.2021

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/surety 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 Charanjit Singh* confirms that pursuant to the order of this Court dated 12.07.2021, 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 12.07.2021, passed by this Court, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be read as an expression of opinion on the merits of the case.

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

(B.S. Walia)
Judge

20.08.2021
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<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>