

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32997-2021

Date of Decision: 31.08.2021.

Binder Singh

...Petitioner

vs.

State of Punjab

...Respondent

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

Present: Mr.Mandhir Singh Virk, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, 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. 60 dated 26.02.2021 registered under Section 61, Punjab Excise Act 1914 at Police Station Sadar Mansa, District Mansa.

3. On 17.08.2021, the following order was passed:-

“Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.60 dated 26.02.2021 registered under Section 61, Punjab Excise Act, 1914 at Police Station Sadar Mansa, District Mansa.

Learned counsel contends that the petitioner has been implicated in the instant case on the basis of secret information of the petitioner being habitual to distilling illicit liquor and alleged recovery of 50lts. of *lahanon* on a raid conducted by the police party on a raid on his house in the absence of the petitioner and without associating any independent witness. Learned counsel further contends that the petitioner is ready and willing to join investigation and fully co-operate in the same.

Notice of motion.

Mr. Sukhbeer Singh, learned AAG Punjab accepts notice and requests for time to obtain instructions and to argue the case. Adjourned to 31.08.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner is directed to 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 also 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 HC Makhan Singh confirms that pursuant to the order of this Court dated 17.08.2021, 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 17.08.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions contained in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

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

(B.S. Walia)
Judge

31.08.2021

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