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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-39981-2021

Date of decision : 15.12.2021

Harbhajan Singh @ Bhajan @ Gurbajan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.162 dated 21.08.2021 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Subhanpur, District Kapurthala.

On 24.09.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.162 dated 21.08.2021 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Subhanpur, District Kapurthala.

Learned counsel for the petitioner inter alia contends that even as per the prosecution version, neither any recovery of illicit liquor has been made from the petitioner and nor the place from which the recovery has been made is owned by the petitioner. It is further submitted that Section 100 of Cr.P.C. has also not been complied with in the present case.

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, DAG,

Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 15.12.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall 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.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 24.09.2021, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Balbir Singh, has submitted that the petitioner has joined the investigation on 14.12.2021 and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances, moreso the facts as mentioned in order dated 24.09.2021 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 24.09.2021 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

15.12.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No