

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

-.-
CRM-M-36634-2020 (O&M)
Date of decision : 14.01.2021.

Vicky Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

On 11.11.2020, the following order was passed:-

“Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.200 dated 12.10.2020 under Section 61 of the Punjab Excise Act, 1914 registered at Police Station Nathana, District Bathinda.

Learned counsel for the petitioner contends that the FIR has been lodged on the basis of secret information and the petitioner was not present at the time of the alleged raid and it is only 100 liters of lahan which is stated to have been recovered from the house where the petitioner is a tenant and no apparatus used for distilling liquor has been recovered. Therefore, it cannot be said that the recovery was from the conscious possession of the petitioner.

Learned State counsel on instructions from ASI Gurdev Singh stated that the recovery has been made from the house where petitioner is a tenant and there is no other occupant of the house.

List on 14.01.2021.

Let a status report be filed with an advance copy to the counsel opposite

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

Learned counsel for the State, on instructions from ASI-Gurdev Singh, has stated that the petitioner has since joined investigation on 25.11.2020 and that he is no longer required for further investigation as of now. He has further stated that there is no other case pending against the petitioner.

In view of the above, the order dated 11.11.2020 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

Disposed off accordingly.

January 14, 2021

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NOTE:

Whether speaking/non-speaking: Yes/No

Whether reportable: Yes/No

(ALKA SARIN)

JUDGE