

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

203

CRM M-22811 of 2022

Date of Decision: July 26, 2022

Balwinder Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present : Ms. Sukhveer Kaur, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.146 dated 01.09.2021 registered under Sections 61/1/14 of Punjab Excise Act 1914 at Police Station Guru Harsahai District Ferozepur.

On 24.05.2022 while issuing notice of motion in the present petition, this Court was pleased to pass the following order:-

Inter alia, contends that in the present case, the search conducted was in fact in violation of Section 100(4) Cr.P.C., inasmuch as, no independent witness was joined at the time of the raid, with the search nor any order in writing was given to any witness.

Notice of motion for 26.07.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his 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 24.05.2022, the petitioner has joined the investigation.

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

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 24.05.2022 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 24.05.2022 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.

July 26, 2022

amit rana

(VIKAS BAHL)

JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No