

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

CRM-M-36660-2022

Date of decision : 24.11.2022

HARPAL SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Malkiat Singh, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 22.08.2022, the following order was passed :-

“Apprehending his arrest in FIR No.55 dated 09.07.2022 for offences punishable under Section 61 of Punjab Excise Act registered at Police Station Sarai Amanat Khan, Taran Taran, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

The petitioner was granted interim protection by the Sessions Court, Tarn Taran, however the same culminated in the dismissal of the application as the applicant-petitioner failed to join the investigation.

Learned counsel for the petitioner contends that the petitioner is ready to join the investigation. Nothing is to be recovered from him and thus, it is not a case where the custodial interrogation of the petitioner will be warranted.

Notice of motion.

On the asking of the Court Mr. Mohinder Singh Joshi, Additional Advocate General, Punjab, who is present in Court accepts notice. He is not in a position to dispute the fact that there is no recovery that is required to be made from the petitioner.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/ Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C. To come up on 24.11.2022. ”

2. Today, Ld. State Counsel on instructions from ASI Heera Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.
3. In the circumstances, the order dated 22.08.2022 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
4. The petitions stands disposed off.

November 24, 2022
Dpr

(PANKAJ JAIN)
JUDGE

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