

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

**CRM-M No.43208 of 2022 (O&M)
Date of decision : 05.12.2022**

Malkit Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Ms. Manjit Kaur Saini, Advocate for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

The petitioner has prayed for grant of pre-arrest bail in FIR No.0091 dated 16.05.2022 registered under Section 61 of Punjab Excise Act, 1914, at Police Station Ajnala, District Amritsar.

On 19.09.2022 while issuing notice of motion the following order was passed:-

“Apprehending his arrest in FIR No.0091 dated 16.05.2022 for offences punishable under Section 61 of the Punjab Excise Act, 1914 registered at Police Station Ajnala, District Amritsar, the petitioner has preferred this petition under Section 438 Cr.P.C seeking pre-arrest bail.

Learned counsel for the petitioner inter alia contends that the allegation with respect to recovery of 200 bottles of illicit liquor and 400 kg. lahan from the house of the petitioner after registration of the FIR. She submits that the FIR was registered merely on the basis of apprehension. So far as the story of recovery from the house of the petitioner is concerned, the same is also highly improbable that the police party conducted raid at the house of the accused and the accused on seeing the police party has fled away.

Notice of motion.

On the asking of the Court Mr. Gurdarshan Singh Sidhu, Asstt. A.G., Punjab who is present in Court accepts notice.

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 05.12.2022. ”

Today, learned State counsel, on instructions from Investigating Officer Baljinder Singh, has stated that pursuant to the order dated 19.09.2022, the petitioner has joined investigation and is no longer required for custodial interrogation.

Keeping in view the fact that the petitioner was not apprehended from the spot, the interim order dated 19.09.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

This petition stands disposed off.

Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

05.12.2022
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No