

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-53671-2021

Date of decision : 29.03.2022

Major Singh

... Petitioner

Versus

State of Punjab

... Respondent

***CORAM: HON'BLE MR.JUSTICE VIKAS BAHL***

Present: Ms.Anmol, Advocate for  
Mr.Rajat Dogra, Advocate  
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

**VIKAS BAHL, J.(ORAL)**

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.80 dated 05.12.2021 registered under Section 61 of Excise Act, 1914 at Police Station Nandgarh, District Bathinda.

On 22.12.2021, a coordinate Bench of this Court was pleased to pass the following order:-

*“Case is taken up for hearing through video conferencing.*

*Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.80 dated 05.12.2021, registered at Police Station Nandgarh, District Bathinda, under Section 61 of the Punjab Excise Act, 1914.*

*Learned counsel for the petitioner contends that the alleged recovery of 180 litre lahan had been effected from the ancestral house of the petitioner, which is not occupied by him alone; that the petitioner was not arrested at the spot; that the recovery stands already effected, and that there is no other case registered or pending against the petitioner, at least of a similar nature.*

*Notice of motion for 29.03.2022.*

*Meanwhile, the petitioner is directed to join investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) Cr.P.C.*

*However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.*

22.12.2021

**(HARNARESH SINGH GILL)**  
**JUDGE”**

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

Learned State counsel, on instructions from HC Gurmeet Singh, has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 22.12.2021, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 22.12.2021 is made absolute.

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 petition.

**(VIKAS BAHL)**  
**JUDGE**

**March 29, 2022**

*Davinder Kumar*

Whether speaking / reasoned  
Whether reportable

Yes/No  
Yes/No