

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

CRM-M-1436-2023

Date of Decision: 03.05.2023

GURSEWAK SINGH AND ANR

..... PETITIONERS

VS

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Ankur Sheemar, Advocate for
Mr. Yajur Sharma, Advocate for the petitioners.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

GURBIR SINGH, J. (ORAL)

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The prayer in the present petition filed under Section 438 Cr.P.C is for grant of anticipatory bail to the petitioners in case FIR No.164, dated 19.10.2022 under Sections 61, 63 of Punjab Excise Act registered at Police Station Jhabal, District Tarn Taran.

Status report by way of an affidavit of Jaspal Singh, PPS Deputy Superintendent of Police, Sub-Division Tarn Taran, District Tarn Taran on behalf of respondent-State has been filed and the same is taken on record. A copy thereof has been supplied to the counsel opposite. The para Nos. 4 and 5 of the Status Report are as under:-

“4. That during the course of investigation, the investigating officer alongwith police party reached at the place disclosed by the secret informer where one kenter bearing registration No.PB08-EY-0139 and one vehicle (Chotta Hathi) bearing registration No.PB32-L-9903 were standing and the persons sitting in the said vehicle (Chotta Hathi) tried to fled away from there but two persons were apprehended by the investigating officer with the help of the other police officials and other persons were successful in escaping from the spot and then, on

asking about their names and addresses, they disclosed their names as Jang Singh son of Sohan Singh, resident of Bharowal and the person sitting on the adjoining seat disclosed his name as Sarwan Singh alias Kaka son of Kansa Singh, resident of Dera Colony and the apprehended persons also disclosed the name of the persons who fled away from the spot as Sukhdev Singh alias Lala i.e. the petitioner No.1. Gursewak Singh alias Mintu i.e. petitioner No.2 and Baldev Singh alias Ballu and the investigating officer alongwith other police officials conducted search of the Kenter, from which 8 plastic drums containing about 200/200 Liter of Alcohol have been recovered from the plastic drums and on conducting search of Chotta Hathi, 2 plastic drums containing about 200/200 liter of Alcohol have been recovered from the same and total 10 plastic drums containing 20000 liters of Alcohol have been recovered in the present case.

5.That in compliance with order dated 13.02.2023, the petitioners have joined the investigation before the investigating officer of the present case on 29.04.2023 vide DDR No. 14 dated 29.04.2023.”

Learned State counsel, on instructions from ASI Bhupinder Singh submits that in compliance of the order dated 13.02.2023, the petitioners have already joined the investigation and they are not required for any custodial interrogation.

In view of above, the order dated 13.02.2023 granting interim bail to the petitioners, is made absolute. The petitioners shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.

Petition is disposed of accordingly.

03.05.2023

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Whether speaking/reasoned
Whether reportable

(GURBIR SINGH)
JUDGE

Yes/No
Yes/No