

CRM-M No.12089 of 2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.12089 of 2023

Date of decision : 24.07.2023

Manshinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Sahil Soi, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 23.03.2023, this Court while issuing notice of motion had passed the following order:

“ This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.184 dated 04.08.2022 under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Shahkot, District Jalandhar Rural.

Brief facts of the case are that on 04.08.2022, a police party headed by ASI Harbhajan Lal received a secret information in the area of village Baupur that accused Mangal Singh @ Mangi is distilling illicit liquor on a working still at the banks of river Sutlej in the area of village Baupur and if a raid is conducted, illegal liquor and Lahan can be recovered. Relying upon the said information, a raid was made at a nominated place, where accused Mangal Singh @ Mangi and one unknown person were distilling illicit liquor on a working still by giving fire under the working still, who on seeing the police party, jumped into the river and fled away. The components of working still including two drums containing Lahan to the tune of 150 liters and 53 bottles of illicit liquor were recovered.

Learned counsel for the petitioner inter alia contends that the petitioner is innocent and has been falsely implicated in the present case. He further submits that petitioner has been nominated as an accused on the basis of disclosure statement of the co-accused, which is not admissible in evidence, and apart from the disclosure statement, there is no other evidence to link the petitioner with the alleged offence. He further submits that even the recovery has been effected from the co-accused. He further submits that after registration of the present FIR, in which the petitioner is seeking anticipatory bail, the petitioner has been implicated in two other cases bearing FIR No.232 dated 29.09.2022, under Sections 61-1-14 of Excise Act, registered at Police Station Dharamkot, District Moga and FIR No.211 dated 11.09.2022, under Sections 61-1-14 of the Excise Act, registered at Police Station Dharamkot, District Moga. He further submits that petitioner is ready and willing to join the investigation.

Notice of motion.

Mr. Adhiraj Singh, AAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to file reply/status report.

Adjourned to 24.07.2023.

In the meantime, petitioner shall join investigation before the Investigating Agency/Officer. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

- 1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.*
- 2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.*
- 3) That the petitioner shall not leave India without prior permission of the court.”*

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Today, learned State counsel, on instructions from ASI Kashmir Singh, has stated that pursuant to order dated 23.03.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

In view of the above, interim order dated 23.03.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

Petition stands disposed of.

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

July 24, 2023
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(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable : No