

207

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

CRM-M-18401-2023 (O&M)

Date of decision : 22.08.2023

Satnam

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rohit Joshi, Advocate,
for the petitioner.

Mr. Amish Sharma, AAG, Punjab,
assisted by ASI Sukhdev Singh.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, '*the Cr.P.C.*') has been filed for grant of pre-arrest bail to the petitioner in FIR No.26 dated 09.02.2023, under Section(s) 61 of the Punjab Excise Act, 1914, registered at Police Station Mukerian, District Hoshiarpur.

2. Above FIR was registered on the basis of secret information with the allegations that petitioner along with other co-accused were indulging in selling of illicit liquor. Believing the information to be credible, a raid was conducted and 5 plastic cans containing illicit liquor were recovered.

3. This Court, on 04.08.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“In pursuance of the previous order, petitioner is present in Court and has given an assurance that he will not give any chance for recurrence.

Learned State counsel, on instructions, fairly stated that at this stage, custodial interrogation of the petitioner is not required, but he be directed not to indulge in such activities in future.

Posted on 22.08.2023.

In the meanwhile, order dated 17.04.2023 is modified to the extent that petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 04.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.

22.08.2023

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**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No