

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

286

**CRM-M No.23590 of 2023 (O&M)
Date of Decision: 21.08.2023**

Joginder Pal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail to the petitioner in FIR No.37 dated 07.04.2023, under Section 61 of the Excise Act (Section 420 of the Indian Penal Code, 1860 later on deleted), registered at Police Station Basti Bawa Khel, Jalandhar.

2. Above FIR was registered on the basis of secret information, that the petitioner along with his son Abhishek and one Goyam Jain were indulging in selling illicit liquor by bringing it from outside State without any permit or license.

3. The Coordinate Bench, while issuing notice of motion on 10.05.2023, granted interim bail to petitioner in the following manner:-

“1. By way of present petition filed under Section 438 CrPC, prayer has been made for grant of anticipatory bail in case FIR No.37 dated 07.04.2023 registered under Section 61 of Excise Act, 1914 and (Section 420 IPC later on deleted), P.S. Basti Bawa Khel, Jalandhar.

2. Learned counsel for petitioner submits that in the wake of allegations levelled against petitioner, his custodial interrogation is not required.

3. Notice of motion for 21.08.2023.

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

4. Learned counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

5. Learned State Counsel, on instructions from ASI Trilochan Singh submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

6. In view of above, interim order dated 10.05.2023 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.

(MAHABIR SINGH SINDHU)
JUDGE

21.08.2023

Satyawan

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No