

**CRM-M-30976-2023**

**1**  
**2023:PHHC:141081**

211

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

**CRM-M-30976-2023**  
**Date of decision : 06.11.2023**

**GURPAL SINGH**

....Petitioner

Versus

**STATE OF PUNJAB**

....Respondent

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Ashok Giri, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

**PANKAJ JAIN, J. (ORAL)**

On 10.07.2023, the following order was passed :-

“Apprehending his arrest in FIR No.91 dated 27.05.2023 registered for offence punishable under Section 61/1 of the Punjab Excise Act 1914 (Sections 308 IPC added later on) at Police Station Sadar Khanna, District Khanna, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner inter alia contends that the only allegation in the present case qua the petitioner is that he is owner of the vehicle from which illicit liquor is alleged to have been recovered.

Issue notice of motion, returnable for 06.11.2023.

On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent/State.

Status report by way of affidavit of Karnail Singh, PPS, DSP, Homicide & Forensic Unit, Khanna cum Sub Division

Khanna, District Ludhiana has been filed on behalf of respondent No.1 today in Court. The same is taken on record.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Today, Ld. State Counsel on instructions from ASI Mohinder Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.
3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 10.07.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
4. This order should not be treated as "blanket" order. It will not be read granting the petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner.
6. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

7. It will be open to the police or the investigating agency to move this Court for a direction under Section 439(2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
8. Petition stands disposed off accordingly.

|                           |               |
|---------------------------|---------------|
| November 06, 2023         | (Pankaj Jain) |
| Dpr                       | Judge         |
| Whether speaking/reasoned | : Yes/No      |
| Whether reportable        | : Yes/No      |