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

CRM-M-32562-2022

Date of Decision: 06.02.2023

Harjinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Ms. Ruhani Chadha, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.148 dated 09.07.2022, registered under Section 61 of Punjab Excise Act, 1914, registered at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-1).

On 09.08.2022, the following order was passed by a co-ordinate Bench of this Court :-

“Report has been received from the learned District and Sessions Judge, Kapurthala in which it has been stated that the religion of the person was inadvertently mentioned in the order dated 20.07.2022. The explanation given by learned Sessions Judge is accepted.

The present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.148, dated 09.07.2022 under Section 61 of Punjab Excise Act, registered at Police Station Sultanpur Lodhi, District Kapurthala.

It has been submitted by the learned counsel for the petitioner that the petitioner was not present in the place from where there was a recovery of 150 kgs of Lahan and 70 bottles of liquor and he was not even exclusive owner of the house. He submitted that he has been implicated only on the basis of political rivalry in the village.

Learned State counsel has stated that it is correct that nothing was found from the conscious possession of the petitioner. However, he has submitted that the petitioner is involved in two more cases under the Excise Act.

Adiourned to 06.02.2023.

In view of the aforesaid position, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from HC Kulwinder Singh has not disputed the aforesaid fact of joining the investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required, the present petition is allowed and the ad-interim order dated 09.08.2022 by the Co-ordinate Bench of this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an

observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

06.02.2023

Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No