

213 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-31028-2023 (O&M)
Date of Decision: 18.08.2023

Balwinder Singh @ Dakia

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manoj R. Sharma, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.64 dated 16.05.2023, under Section 61 of Punjab Excise Act, registered at Police Station Ghuman, District Gurdaspur.

2. Allegations in brief are that 27 bottles of Whisky mark 999 Power Star, each weighing 750 ml. were recovered from the house of the petitioner without any license or permit.

3. This Court vide order dated 14.07.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that recovery of alleged contraband i.e. 27 bottles of liquor has already been effected by the police; thus, custodial interrogation of the petitioner would not be required.

Learned State counsel seeks more time to file Status Report in terms of previous order.

Posted for 18.08.2023.

In the meanwhile, 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 Code of Criminal Procedure, 1973.

Petitioner is directed to be present on the next date of hearing.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he joined investigation and his custodial interrogation is not required by the Police.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Gurmel Singh and fairly submitted that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 14.07.2023 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.

10. Pending criminal misc. application(s), if any, shall also stand disposed off.

18.08.2023
SN/Mehak

(MAHABIR SINGH SINDHU)
JUDGE

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