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

**CRM-M-31630-2023 (O&M)**

**Date of decision : 24.08.2023**

Tarun Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Ajay Pal Singh Rehan, Advocate,  
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab,  
assisted by ASI Dildar 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 61 of the Punjab Excise Act, 1914, registered at Police Station Mukerian, District Hoshiarpur.

2. Allegations against the petitioner are that he along with other co-accused was indulging in the sale of illicit liquor. On the basis of secret information, raid was conducted and 5 plastic cans were recovered.

3. This Court, on 05.07.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

*“Notice of motion for 24.08.2023.*

*Mr. Adhiraj Singh, AAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response.*

*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 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 05.07.2023 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 application(s), if any, shall stand disposed off.

**24.08.2023**  
*atulsethi*

**(MAHABIR SINGH SINDHU)**  
**JUDGE**

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