

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-31833-2023

Date of decision: 12.10.2023

Charanjit Singh @ Raja and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. B.S. Bhalla, Advocate
for the petitioners.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.37 dated 17.06.2023 under Section 61 of the Punjab Excise Act, 1914 registered at Police Station Mehna, District Moga.

2. Since petitioner No.2 was arrested, the petition was dismissed as having been rendered infructuous qua him vide order dated 06.07.2023.

3. On 06.07.2023, while noticing the following submissions made by the learned counsel for the petitioners, this Court had granted the concession of interim bail to petitioner No.1-Charanjit Singh @ Raja and asked him to join investigation:-

“Learned counsel inter alia contends that a false recovery of 40 litres of illicit liquor has been planted upon petitioner No.1. In fact when the alleged raid was conducted he was not even present in his house and allegedly succeeded in fleeing away from the spot. Learned counsel submits that it could not have been possible for him to have fled in the presence of police

officials had they actually come to his house. Learned counsel submits that petitioner No.1 is not involved in any other case under the Excise Act and still further, he is ready to join investigation and cooperate with the investigating agency.”

4. Learned counsel for the petitioners submits that in compliance of order dated 06.07.2023, petitioner No.1 has joined investigation and cooperated with the investigating agency.

5. Learned State counsel, on instructions, does not dispute the factum of petitioner No.1 having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that petitioner No.1 is not required for further investigation much less for his custodial interrogation.

6. In view of the above, the petition is allowed and interim order dated 06.07.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to add, in case petitioner No.1 misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

12.10.2023

(MANJARI NEHRU KAUL)

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JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No