

105(2) **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-34452-2023 (O&M)
Date of Decision: 11.09.2023

Jagdev Singh @ Sunny

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Saksham Dudeja, 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.56 dated 11.06.2023, under Section 61 of Excise Act, 1914 registered at Police Station Sudhar, Ludhiana Rural, District Ludhiana.

2. Allegations in brief are that 120 bottles of liquor make Power Star Fine Whisky (Chandigarh) were recovered from the house of petitioner.

3. This Court vide order dated 21.07.2023, granted interim bail to petitioner and the same reads as under:-

“Contends that alleged contraband i.e. liquor bottles have already been recovered; thus, custodial interrogation of the petitioner is not required at this stage. Also contends that petitioner is not involved in any other criminal case.

Learned State counsel seeks time to verify the above factual position.

Posted on 10.08.2023.

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.”

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 quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 21.07.2023 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.

11.09.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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