

2023:PHHC:126915

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

211

CRM-M-37594-2023 (O&M)
Date of decision: 28.09.2023

Kulwant Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None

AMAN CHAUDHARY. J.

1. In view of the request letter circulated by Bar Association, the lawyers are abstaining from work.
2. On 03.08.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.80 dated 14.07.2023, registered under Section 61 of Punjab Excise Act, 1914 at Police Station Batala, District Gurdaspur.

Learned counsel submits that the petitioner has been falsely implicated in the present case. There is no independent witness of the alleged raid which was conducted at the public place and it is not plausible that despite 9 Police Officers being part of the raiding party, the petitioner managed to escape. Trial only in two cases are pending against the petitioner. He is ready and willing to join the investigation as and when required by the Investigating Agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 11.08.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of the conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 28.09.2023. ”

3. SI Sukhjinder Singh appears in person and submits that the petitioner has joined the investigation and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for any custodial interrogation.
4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 03.08.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.
5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

September 28, 2023
M.Kamra

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