

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

**CRM-M-38653-2023 (O&M)
Date of decision : 11.09.2023**

Avtar Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Sukhmeet Singh, Advocate for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.43 dated 09.05.2023, under Section 61/1/14 of the Punjab Excise Act, 1914, registered at Police Station Khalra, District Tarn Taran.

(2) Above FIR was registered on the basis of secret information that petitioner is habitual of distilling the liquor and selling the same in his house. If a raid be conducted, then *lahan*, illicit liquor and working still can be recovered. On the basis of this information, formal FIR was registered and police party raided the house of petitioner. On seeing the police party, one

person (petitioner) ran away from the house. Thereafter, police recovered two plastic drums of *lahan*, containing 180 Kg. each (total 360 Kg.).

(3) This Court, vide order dated 08.08.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that alleged contraband has already been recovered by the Investigation Agency; thus, custodial interrogation of the petitioner is not required at this stage.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 11.09.2023.

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 in the present case, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.

Learned State Counsel will also take instructions about effective measures to be adopted for controlling the menace under the Punjab Excise Act, 2014 in the State of Punjab.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions from ASI Sukhminder Singh, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

- (6) In view of the above, interim order dated 08.08.2023 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 also stand disposed off.

September 11th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>