

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

CRM-M-42190-2023 (O&M)
Date of decision : 25.09.2023

Kuldeep Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, 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.18 dated 03.03.2023, under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Subhanpur, District Kapurthala.

(2) Above FIR was registered with the allegations that on 03.03.2023, police party was patrolling at Subhanpur Chowk. Then one drum, containing 180 Kg. *Lahan* (illicit liquor) was found lying in the heap of hay (*parali dher*) of the petitioner.

(3) The Coordinate Bench, vide order dated 25.08.2023, granted interim bail to petitioner and the same reads as under:-

“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.18 dated 03.03.2023, registered under Section 61 of Punjab Excise Act, 1914 at Police Station Subhanpur, District Kapurthala.

Learned counsel for the petitioner submits that petitioner has been arrested on the basis of disclosure statement of co-accused Lashkar Singh, father of the petitioner, from whom 180 kg Lahan has been recovered and he has been arrested and also been released on interim anticipatory bail. He further submits that petitioner was not alleged to be present at the spot. Place of alleged recovery is neither owned nor possessed by the petitioner, in any capacity. Even name of the petitioner has been incorrectly mentioned in the FIR wherein petitioner has been mentioned as 'Manak'. He further submits that petitioner is ready and willing to join and co-operate with the investigation.

Notice of motion for 25.09.2023.

At the asking of the Court, Mr. Joginder Pal Ratra, Senior DAG, Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance 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.”

(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 Balwinder 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 25.08.2023 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 25th, 2023

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(MAHABIR SINGH SINDHU)
JUDGE

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