

CRM-M-45502-2023
Date of decision: 29.11.2023

Versus

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Ms. Navreet Kaur Barnala, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in a case bearing FIR No.140 dated 26.08.2023 under Section 61 of the Punjab Excise Act, 1914 registered at Police Station City Budhlada District Mansa (Annexure P-1).

On 13.09.2023, the following order was passed:-

‘Through the instant petition under Section 438 Cr.P.C., the petitioners seek anticipatory bail in case bearing FIR No.140 dated 26.08.2023, registered under Section 61 of the Punjab Excise Act, at Police Station City Budhlada, District Mansa.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case; that the raid was conducted by the police on a secret information; that as per the allegations, all the three accused, including the petitioners, ran away from the spot and 120 bottles marka ‘Punjab Sofi Mehak’ were recovered

from the spot and that there is no other case registered or pending against petitioner No.1, at least of similar nature and petitioner No.2 is on bail, in another case.

Notice of motion for 29.11.2023.

Meanwhile, the petitioners are directed to join the investigation and if they are sought to be arrested, they shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police. '

Learned State counsel on instructions from HC Jagsir Singh, at the very outset informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 13.09.2023 is hereby made absolute. The petitioners shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

29.11.2023
Neha

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