

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CRM-M-48358-2023
Date of Decision: 29.11.2023

Vinod Kumar @ Vipan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Vishal Thakur, Advocate, for the petitioner.

Mr. A. S. Sandhu, AAG, Punjab

SANJIV BERRY, J.(ORAL)

By way of present petition filed under Section 438 Cr.P.C, the
petitioner seeks anticipatory bail in case FIR as under: -

FIR No.	Dated	Sections	Police Station
258	04.09.2023	61 of Punjab Excise Act, 1914.	P. S. Tanda, District Hoshiarpur.

2. It is submitted by learned counsel for the petitioner that in compliance to the order dated 25.09.2023, the petitioner has joined the investigation.
3. Learned State Counsel on instructions from ASI Narinder Singh intimates the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.
4. Heard.

5. During the course of proceedings on 25.09.2023, the following order was passed :-

“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.258 dated 04.09.2023, registered under Sections 61/1/14 of Punjab Excise Act, 1914, at Police Station Tanda, District Hoshiarpur.

Learned counsel contends that the petitioner has been falsely implicated in this case on the basis of disclosure statement of co-accused-Avtar Singh @ Tari, from whom 48 bottles of illicit liquor Marka Santra, which is being sold in Himachal Pradesh only, were recovered and that the same had been purchased from the petitioner. There is no connection between petitioner and the said co-accused, who has since been granted regular bail by the trial Court vide order dated 12.09.2023 and has also furnished an affidavit, Annexure P-2 of having given the statement under duress, while in police custody. The petitioner is not involved in any other case and is otherwise a driver by profession in employment of some private party. He is ready and willing to join the investigation as and when required by the investigating agency and will cooperate.

Notice of motion.

At the asking of the Court, Ms. Himani Arora, AAG, Punjab accepts notice on behalf of respondent-State.

Adjourned to 02.11.2023.

Meanwhile, the petitioner is directed to join the investigation on or before 03.10.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of 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.”

6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 25.09.2023 passed by this Court, interim bail granted vide order dated 25.09.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case

(SANJIV BERRY)
JUDGE

29.11.2023
anil

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