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

**CRM-M-52427-2022
Date of Decision: 09.01.2023**

Pardeep Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sandeep Kumar, Advocate
for the petitioner.

Mr. Subhash Godara, Additional A.G., Punjab.

HARSH BUNGER J. (ORAL)

The present petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioner in case FIR No.436 dated 21.10.2022 (Annexure P-1), under Section 61 of the Excise Act, registered at Police Station Sohana, District S.A.S. Nagar.

On 21.11.2022, the following order was passed by this Court :-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, in case FIR No.436 dated 21.10.2022, registered under Section 61 of the Excise Act, 1914, at Police Station Sohana, District SAS Nagar.

Learned counsel for the petitioner, inter alia, contends that the petitioner has falsely been

implicated in the present case as there is no link evidence to connect him with the commission of the alleged offence. He further submits that the petitioner was neither apprehended at the spot nor any recovery was effected from him. Rather, the liquor was recovered lying at open place. Learned counsel also submits that no independent witness was joined in this case. He further submits that in other cases i.e. FIR No.413 dated 21.12.2020 and FIR No.51 of 2022 registered under Section 61 of the Excise Act, at Police Station Sohana, District S.A.S. Nagar, the petitioner is on bail, copies of which are annexed as Annexures P-3 and P-4 with the present petition. He also submits that the petitioner is ready and willing to join investigation as and when required by the police.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Additional Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner is directed to hand over a complete set of paper book of this case to learned State counsel during the course of the day.

List on 09.01.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, he shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.

Learned State counsel, on instructions from A.S.I. Om Prakash,

has not disputed the aforesaid fact of joining the investigation by petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the *ad-interim* order dated 21.11.2022, passed by this Court, is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

09.01.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No