

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-60439-2022

Date of decision: 22.03.2023

Darshan Singh @ Darshu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sukhbir Maandi, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.133 dated 14.10.2022 under Section 61 of the Punjab Excise Act, 1914 registered at Police Station Division D, Amritsar.

Learned counsel for the petitioner contends that pursuant to the order dated 23.12.2022, operative part of which stands reproduced herein under, the petitioner has joined investigation and cooperated with the investigating agency:

“Counsel the petitioner inter alia contends that even though the allegation is that the 40 bottles of illicit liquor were recovered from the house of the petitioner, yet admittedly, the petitioner was not apprehended at the spot.”

Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that

the petitioner is not required for further investigation much less for his custodial interrogation in the case. However, learned State counsel submits that since the petitioner was previously involved in another case under the Punjab Excise Act, 1914, liberty be granted to the State to seek cancellation of bail in case the petitioner is found misusing the concession of bail.

In view of the above, the petition is allowed and interim order dated 23.12.2022, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

22.03.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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