

208 (2<sup>nd</sup> case)

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

**CRM-M-1573-2024 (O&M)  
Date of decision : 22.02.2024**

Ajay Kumar

...Petitioner

*Versus*

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Vishal Sharma (Vasudeva), Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab for the respondent.

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**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.204 dated 10.12.2023, under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Garhshankar, District Hoshiarpur.

(2) Above FIR was registered on the basis of a secret information that illicit liquor is being sold at Village Ghago Roranwali. Upon which, police party reached at the disclosed place and saw that one lady standing near six plastic bags and one plastic bag was carried by her in hand. On seeing the police party, she tried to flee from the spot; but was apprehended.

She disclosed her name as Palwinder Kaur. During search, 151 bottles of liquor make 11 ACE WHISKY “for sale in Chandigarh only” were recovered. On the basis of disclosure, made by aforesaid co-accused, petitioner was nominated as an accused.

(3) This Court, while issuing notice of motion on 12.01.2024, granted interim bail to petitioner and the same reads as under:-

*“Contends inter alia that recovery of alleged contraband i.e. 151 bottles of liquor were effected from co-accused (Palwinder Kaur) and petitioner has been nominated on the basis of disclosure made by the said co-accused.*

*Notice of motion.*

*Mr. M.S.Tiwana, AAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.*

*Posted for 22.02.2024.*

*In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.*

*To be heard along with CRM-M-576-2024.”*

(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 A.S.I. Ramesh, acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.

- (6) In view of above, interim order dated 12.01.2024 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) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

22<sup>nd</sup> February, 2024  
Gagan

( MAHABIR SINGH SINDHU )  
JUDGE

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