

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-2168 of 2024
Date of decision:19.03.2024

Gurnam Singh @ Gabbar

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Harmanpreet Singh, Advocate,
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab

PANKAJ JAIN, J. (ORAL)

On 16.01.2024, the following order was passed :-

“Apprehending his arrest in FIR No. 182 dated 19.12.2023, registered for offences punishable under Section 61 of the Punjab Excise Act, 1914 at Police Station Chattiwind, District Amritsar Rural, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia submits that illicit liquor (laahan) is alleged to have been recovered from the pond and thus the same cannot be attributed to the petition.

Notice of motion.

On asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab appears and accepts notice on behalf of the respondent/State.

Adjourned to 19.03.2024.

In the meanwhile, in the event of arrest, the

petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Today, Ld. State Counsel on instructions from the police official who is present in Court submits that the petitioner has already joined investigation and is no more required for custodial interrogation.
3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 16.01.2024 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
4. This order should not be treated as "blanket" order. It will not be read granting the petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner.
6. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
7. It will be open to the police or the investigating agency to move this Court for a direction under Section 439(2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-

cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

8. Petition stands disposed off accordingly.
9. Pending applications, if any, also stand disposed of.

March 19, 2024

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(PANKAJ JAIN)
JUDGE

Whether speaking

Whether reportable

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Yes

No