



210

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-19733-2024 (O&M)****Date of Decision: 29.05.2024**

Lakhbir Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gursharan Singh, Advocate,
for the petitioner.
Mr. Neeraj Madaan, Sr. DAG, Punjab
assisted by ASI Bhupinder Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short "Cr.P.C") for seeking pre-arrest bail in FIR No.48 dated 24.03.2024 registered under Section 61 of the Punjab Excise Act, 1914, at Police Station, Ajnala, District Amritsar Rural.

2. Allegations are that petitioner was found in possession of 1200 kg. Lahan along with 150 bottles of illicit liquor.

3. Learned counsel contends that recovery of alleged contraband has already been effected. Also contends that petitioner was granted interim bail vide order dated 22.04.2024 and in pursuance thereof, he has joined investigation; thus, his custodial interrogation is not required.

4. Learned State counsel has acknowledged the factum of joining investigation by the petitioner. It is also acknowledged that custodial interrogation of petitioner is not required.

5. Heard learned counsel for the parties and perused the paper-book.

6. This Court vide order dated 22.04.2024, granted interim bail to petitioner and the same reads as under:-



“Contends, inter alia, that recovery of alleged contraband i.e. 1200 kg. Lahan & 150 bottles of liquor have already been effected and there is no other criminal case pending against the petitioner.

Notice of motion.

Ms. Manjot Kaur, 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 29.05.2024.

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.”

7. In pursuance of the aforesaid order, petitioner has joined investigation; hence, interim order dated 22.04.2024 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

8. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

9. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

10. Disposed off accordingly.

11. Pending criminal misc. application(s), if any, shall also stand disposed off.

29.05.2024

SN/v

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No

(MAHABIR SINGH SINDHU)
JUDGE