



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31141-2024
Date of Decision : 03.09.2024

NISHAN SINGH
.....Petitioner(s)

VERSUS

STATE OF PUNJAB
.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. H.S.Sehgal, Advocate,
for the petitioner(s).

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 03.07.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

- “1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.66 dated 18.05.2024, under Section 61 of The Punjab Excise Act, 1914, registered at P.S. Kotbhai, District Sri Muktsar Sahib.
- 2. Succinctly stated, the genesis of the present FIR is embodied in a secret information regarding distillation of illicit liquor by the petitioner. On receipt of this information, a raid was conducted, whereupon, 320 liters of ‘lahan’, 11 bottles of illicit liquor and some articles of working still were recovered from house of the petitioner, but, the petitioner managed to escape from the spot.
- 3. The learned counsel for the petitioner, in his asking for the relief (supra), submits that the petitioner is quite innocent and has been falsely implicated in the present FIR. Except the secret information, the investigating agency is not seized of any cogent material/evidence, thus indicative of petitioner’s involvement in the alleged crime, and/or, thus establishing any link between the petitioner and the allegedly recovered illicit liquor. Moreover, the recovery alleged to have been effected from the house of the petitioner is itself doubtful.
- 4. Lastly, the learned counsel for the petitioner submits that the petitioner is not involved in any other case.

5. Notice of motion for 03.09.2024.
 6. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.
 7. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”
2. Today, the learned State counsel has, on instructions imparted to him by ASI Sukhpal Singh, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for custodial interrogation.
3. In view of the above, the hereinabove extracted interim order dated 03.07.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-
- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
 - (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”
4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) 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. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

September 03, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No