

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.33118 of 2023  
Date of decision: 31<sup>st</sup> January, 2024

Malkeet Singh @ Babbu

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Kuldip Singh, Advocate for the petitioner.  
Mr. APS Tung, Dy. Advocate General, Punjab  
for the respondent/State.

**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.54 dated 05.04.2023 for the offences under Section 61(1) of the Punjab Excise Act, 1914 and sections 411, 473 of the IPC registered at Police Station Sadar Fazilka, District Fazilka.

2. On 13.07.2023, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

*“Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand on the allegations of distilling and selling illicit liquor by loading it on his motorcycle. Learned counsel submits that the petitioner was not even apprehended at the spot and there*

*was nothing to connect him with the alleged recovery of 20 bottles of illicit liquor, which were allegedly effected from a jute bag lying next to a motorcycle.”*

3. Learned counsel for the petitioner submits that in compliance of the order dated 13.07.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. 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.

5. In the circumstances, the petition is allowed and the interim order dated 13.07.2023 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.

(MANJARI NEHRU KAUL)  
JUDGE

January 31, 2024

rps

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |