



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-37695-2024

Date of decision: 07.11.2024

Subhash Chand

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.06 dated 09.01.2023 for the offences under Sections 61, 78(2) of the Punjab Excise Act, 1914 and Section 120-B IPC (Sections 416, 467, 471, 120-B IPC added later on) registered at Police Station City Rajpura, District Patiala.

2. On 05.08.2024, while noticing the following submissions made by the 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 inter alia contends that as per the allegations levelled, the petitioner was trying to illegally sell the liquor which was meant to be sold within the State of Punjab. He submits that as per the case of the prosecution itself, the recovery of the liquor was affected from the petitioner’s truck within the State of Punjab and hence, no offence could be made out against him, although



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the truck in question was registered in his name. It has also been submitted that the petitioner has no criminal antecedents.”

3. Learned counsel for the petitioner submits that in compliance of order dated 05.08.2024, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from Inspector Balwinder Singh, 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 view of the above, the petition is allowed and interim order dated 05.08.2024, is made absolute subject to the conditions laid down in Section 482(2) of the BNSS/438(2) of the Cr.P.C. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

07.11.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No