

214

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-59156-2023 (O&M)
Date of decision : 24.01.2024**

Arjan Singh @ Kala

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vinay Kumar , Advocate,
for the petitioner.

Mr. M.S. Tiwana, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.139 dated 31.10.2023, under Section 61 of the Punjab Excise Act, 1914, registered at Police Station, Dera Baba Nanak, District Batala.

2. Allegations are that petitioner indulged in distilling illicit liquor at his house; and 500 litre of illicit liquor was recovered from him.

3. This Court, on 23.11.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

“Contends inter-alia that recovery of alleged illicit liquor has already been effected.

Notice of motion.

On the asking of the Court, Mr. Joginder Pal Ratra, Sr. DAG, Punjab accepts notice on behalf of respondent-State and seeks

time to have instructions and/or file short affidavit regarding complicity of the petitioner.

Posted for 24.01.2024.

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 Code of Criminal Procedure, 1973.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 23.11.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

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

8. Also clarified that in case of recurrence, State of Punjab would be at liberty to move an application for recalling of this order, as per law.

9. The above observations may not be 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 application(s), if any, shall also stand disposed off.

24.01.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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