

211 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-60787-2023 (O&M)
Date of Decision: 14.03.2024

Gagandeep @ Kali

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

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

Mr. Neeraj Madaan, Sr. DAG, Punjab.

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.218 dated 29.10.2023 registered under Section 61 of the Punjab Excise Act, 1914, at Police Station, Gate Hakima, Amritsar City, District Amritsar.

Short reply by way of affidavit dated 14.03.2024 of Sh. Kuldeep Singh, PPS, ACP(Detective), Amritsar City has been filed and the same is taken on record.

2. Allegations in brief are that 34 cans of alcohol each containing 36 liters (total 1224 liters) were recovered from a truck bearing registration No. HP-69-A-1135. Petitioner is stated to be the owner of said truck.

3. Learned counsel contends that petitioner is not named in the FIR. Also contends that he has been nominated in the present FIR on the basis of disclosure made by co-accused Jatinder Singh @ Labha.

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

5. This Court vide order dated 04.12.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that recovery of alleged contraband has already been effected and petitioner is ready to join investigation.

Notice of motion.

Mr. C.L.Pawar, Additional Advocate General, 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 19.02.2024.

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.”

6. Learned counsel submits that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required by the Police.

7. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.

8. In view of the above, interim order dated dated 04.12.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

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

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

11. Disposed off accordingly.

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

14.03.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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