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

**CRM-M-32933-2026
DECIDED ON: 04.06.2026**

KARAM SINGH**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.**

Present: Mr. Nirmaljit Singh Sidhu, Advocate,
for the petitioner.

SANJAY VASHISTH, J (ORAL)

1. Present petition has been filed by the petitioner, seeking grant of anticipatory bail, in case, FIR No.61, dated 03.05.2026, under Section 61 of The Punjab Excise Act, 1914, registered at Police Station Phool, District Bathinda.

2. At the first instance, petitioner had approached the Court of Sessions, Bathinda, seeking anticipatory bail. Learned Additional Sessions Judge, Bathinda, vide a detailed order dated 15.05.2026 (Annexure P-2), granted the concession of interim bail to the petitioner and directed him to join investigation. While doing so, the Court specifically observed in the concluding part of paragraph No.7 as follows:-

“It appears that the facts regarding the ownership and possession of the house in question are required to be investigated so as to establish the link evidence. The applicant is ready to join the investigation and cooperate with the investigating agency. This Court is



of the opinion that custodial interrogation of the bail applicant is not indispensable, and the purpose of furthering the investigation can be achieved by directing the bail applicant to join and cooperate in the investigation.”

3. Thereafter, on 30.05.2026, the statement of ASI Avtar Singh was recorded, wherein it was acknowledged that petitioner had joined the investigation on 19.05.2026 and recovery had already been effected.

However, it was further stated by the Investigating officer that custodial interrogation of the petitioner was required to ascertain the whereabouts of the persons from whom he had allegedly procured the instruments of working still and to whom the illicit liquor was intended to be sold.

On the basis of the said submission, and without undertaking any substantive examination as to whether custodial interrogation was genuinely necessary after the petitioner had already joined the investigation, or whether such information could reasonably be expected to be furnished by the petitioner or to be established independently by the investigating officer, learned Additional Sessions Judge, Bathinda, withdrew the interim protection granted earlier, and dismissed the anticipatory bail application, vide order dated 30.05.2026.

4. This Court is of the view that in fact, to assail the order dated 30.05.2026, petitioner was required to challenge the prayer before this Court to invoke its revisional jurisdiction.

While dealing with the present anticipatory bail petition, this Court is of the view that without exercising the revisional jurisdiction by



this Court, observations and findings recorded by the Court of Sessions in its impugned order dated 30.05.2026, cannot be examined thoroughly, for the purpose of reversing, altering or modifying the same.

5. Notice of motion.

6. Upon advance notice, Mr. Manjinder Singh Bhullar, learned DAG, Punjab, has appeared on behalf of the respondent-State.

7. Learned State counsel submits that for examining the legality, correctness, or propriety of any order passed by a subordinate court, revisional jurisdiction of the High Court may be invoked, and such power can also be exercised *suo motu*.

8. Provision governing the revisional powers of the High Court under Section 401 of the Code of Criminal Procedure, 1973 (corresponding to Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023), reads as under:-

“442. High Court’s powers of revision. -

(1) In the case of any proceeding the record of which has been called for by itself or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of Appeal by sections 427, 430, 431 and 432 or on a Court of Session by section 344, and, when the Judges composing the Court of Revision are equally divided in opinion, the case shall be disposed of in the manner provided by section 433.

(2) No order under this section shall be made to the prejudice of the accused or other person unless he has had an opportunity of being heard either personally or by advocate in his own defence.



(3) Nothing in this section shall be deemed to authorise a High Court to convert a finding of acquittal into one conviction.

(4) Where under this Sanhita an appeal lies and no appeal is brought, no proceeding by way of revision shall be entertained at the instance of the party who could have appealed.

(5) Where under this Sanhita an appeal lies but an application for revision has been made to the High Court by any person and the High Court is satisfied that such application was made under the erroneous belief that no appeal lies thereto and that it is necessary in the interests of justice so to do, the High Court may treat the application for revision as a petition of appeal and deal with the same accordingly.”

9. Upon examination of the record, particularly the interim order dated 15.05.2026 (Annexure P-2) and the final order dated 30.05.2026 (Annexure P-4) passed by learned Additional Sessions Judge, Bathinda, this Court is of the considered view that once the recovery of 400 litres of *lahan* and 10 litres of illicit liquor had already been effected, inability of the investigating agency to ascertain the identities of the persons to whom the ‘*lahan*’ or illicit liquor was to be supplied, or from whom the apparatus used for its preparation had been procured, could not constitute a valid ground for withdrawal of the discretionary relief earlier granted to the petitioner, especially when he had duly joined the investigation pursuant to the interim order.



10. Once the recovery stood effected, the plea for custodial interrogation merely to elicit further information could not, by itself, justify the cancellation of interim anticipatory bail. Custodial interrogation cannot be permitted as a means to employ coercive methods for extracting information. It is the duty of the investigating officer to conduct a fair and effective investigation by utilizing lawful means, professional expertise, and assistance of other members of the investigating team to collect evidence and trace the persons involved, if any.

Moreover, there is no allegation whatsoever that petitioner misused the concession of interim bail granted by learned Sessions Court. Significantly, no such finding or observation has been recorded in the order dated 30.05.2026.

11. In these circumstances, this Court deems it appropriate to exercise its revisional jurisdiction under Section 401 of the Code of Criminal Procedure, 1973 (corresponding to Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023). **Consequently, the concluding part of the order dated 30.05.2026 passed by learned Additional Sessions Judge, Bathinda, whereby the interim protection granted to the petitioner was withdrawn, is found unsustainable in law and thus, is set aside.**

12. As a necessary corollary, the interim anticipatory bail granted to the petitioner, vide order dated 15.05.2026, is made absolute, subject to the conditions already imposed therein. Consequently,



anticipatory bail application filed by the petitioner before the learned Court below stands allowed.

13. However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

14. **Accordingly, present petition is disposed of, in the aforesaid terms.**

04.06.2026

Lavisha

**(SANJAY VASHISTH)
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*