

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-10269 of 2015

Date of Decision: 7.4.2015

Bahadur Singh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Malkeet Singh, Advocate
for the petitioner(s).

Mr. Anmol Malik, Assistant Advocate
General, Haryana for the respondent.

Darshan Singh, J.

1. The present petition has been filed by the petitioner, namely Bahadur Singh, driver in the truck, for grant of regular bail in case FIR No.684 dated 25.11.2014, registered under Section 61 of the Punjab Excise Act, 1914 (hereinafter referred to as "the Act") and Sections 420, 467, 468, 471 & 120-B of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Sadar Fatehabad, District Fatehabad.

2. As per the prosecution allegations, the petitioner was transporting heavy consignment of the Indian made Foreign Liquor by affixing fake number plate on the truck and under fake documents.

3. Learned counsel for the petitioner pleads that the investigation is already complete and the case is triable by the Court of Judicial Magistrate 1st Class. The petitioner is in custody since 25.11.2014. The conclusion of trial will take some time.

4. Learned State counsel has opposed the plea of bail on the ground that the petitioner has forged the number plate and the documents and was transporting the heavy consignment of the Indian made Foreign Liquor.

5. I have duly considered the aforesaid contentions.

6. This fact is not disputed that the offence punishable under Section 61 of the Act, as applicable to the State of Haryana, is bailable. The offences punishable under the Indian Penal Code have also been added against the petitioner on the ground that he had affixed a fake number plate on the truck and was having fake documents for transporting the liquor. However, this fact is not disputed that the investigation is already complete and even the report under Section 173 of the Code of Criminal Procedure, 1973 has been presented in the Court. The case is triable by the Court of Judicial Magistrate 1st Class. The petitioner is in custody for the last more than 3½ months. The conclusion of trial will certainly take some time. Thus, further detention of the petitioner in jail is not useful for any purpose.

7. In view of above, the present petition is hereby accepted and the petitioner is ordered to be released on bail on furnishing his bail/surety bonds to the satisfaction of the trial Court.

(Darshan Singh)
Judge

April 7, 2015
“DK”