

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.16776 of 2015

Date of decision: July 13, 2015.

Ranjeet Singh

... **Petitioner**

v.

State of Haryana

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Shri R.S. Mamli, Advocate, for the petitioner.

Shri Chetan Sharma, Deputy Advocate General, Haryana.

Darshan Singh, J. (Oral):

1. The present petition has been filed by the petitioner, namely Ranjeet Singh 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 in collusion with Jatinder Singh and Mankomal Singh.
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. He further contended that the petitioner was only a cleaner of the truck in which the liquor was being transported.

4. Learned State counsel has opposed the plea of bail on the ground that the petitioner was in collusion with the main accused who had prepared the forged documents and was transporting the heavy consignment of the Indian made Foreign Liquor. He had also arranged the truck in which the liquor was being smuggled.

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 other allegations against the present petitioner are that he was in collusion with the main accused Jatinder Singh and Mankomal Singh for smuggling of the liquor under fake documents. The question regarding connivance of the present petitioner with the main accused is a question of evidence, to be determined at the appropriate stage, on appreciation of evidence. However, this fact is not disputed that investigation against the petitioner 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 7½ months. The conclusion of trial will certainly take some time. There is no apprehension that the petitioner will flee away from the trial or tamper with the prosecution evidence. Co-accused Bahadur Singh, who was driver of the truck, has already been granted the concession of bail. Thus, further detention of the petitioner in jail will not serve any purpose.

7. In view of my aforesaid discussion. However, without commenting on the merits of the case, the present petition is hereby accepted and petitioner Ranjeet Singh is ordered to be released on bail on furnishing his personal/surety bonds to the satisfaction of the trial Court.

July 13, 2015.
kadyan

[Darshan Singh]
Judge