

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

Crl. Misc. No.M-31213 of 2015

Date of Decision: 21.09.2015

Bhupender Singh

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Bipan Ghai, Sr. Advocate
with Mr. Ram Kumar Saini, Advocate
for the petitioner.

Mr. Vikas Malik, D.A.G., Haryana
for the respondent-State.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner, in case, FIR No.102 dated 06.07.2014 registered under Section 61 of the Excise Act as well as Sections 420, 467, 468, 471, 120-B IPC and Section 7 of the P.C Act at Police Station Sadar, Rewari, District Rewari.

Learned counsel for the petitioner submits that the petitioner has been implicated, being brother of co-accused, namely, Jatinder and that too on the basis of disclosure statement.

As per allegations in the FIR, at the most, it can be an offence under the Excise Act, which is bailable. The application was moved by the petitioner before the Excise Department and vide report dated 12.08.2015,

it was found that no licence for L-1, L-2, L-13 or L-14 of liquor vend/godown was issued in favour of the present petitioner.

Learned counsel for the petitioner submits that the petitioner has been implicated in the case after a long delay as the FIR, in question, was registered on 06.07.2014; the challan was presented on 21.08.2014; charges were framed on 19.01.2015 and even the evidence was recorded on 26.05.2015. Learned counsel also submits that co-accused of the petitioner, namely, Pardeep Kumar and Naresh Kumar have also been granted interim anticipatory bail. The petitioner is in custody since 10.08.2015 and nothing is to be recovered from him and trial will take long time to conclude.

Learned counsel for the respondent-State opposes the submissions made by learned counsel for the petitioner on the ground that huge recovery was effected from the accused and during further investigation, it was found that many persons including the police officials were involved.

In view of the submissions made by learned counsel for the petitioner and keeping in view the fact that the petitioner has been implicated on the basis of disclosure statement and his co-accused have also been released on interim anticipatory bail, the charges have been framed and the statements of some of the witnesses have been recorded, no purpose would be served by keeping him behind bars as he is in custody since 10.08.2015, the present petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

21.09.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE