

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

CRM-M-34895-2015 (O&M)

Date of decision : 15.10.2015

Nirmal Singh and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

Mr. Yashwinder Singh, DAG, Haryana
assisted by ASI Pawan Kumar.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in case FIR No.115 dated 25.05.2015, registered under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code and Section 61(1) of the Punjab Excise Act, at Police Station Salhawas, Distt. Jhajjar.

The learned counsel contends that the petitioners were not arrested from the spot. They have been falsely implicated in the present case, being the owner and the driver of the truck, respectively, from which the liquor was allegedly recovered. They were transporting the liquor under a bona fide belief that the owner of the liquor, Joginder

Pal Sharma, held a valid licence for the same.

On the other hand, the learned State counsel submits that the petitioners are habitual offenders and involved in two more similar FIRs. The investigation is still in progress.

Heard.

Keeping in view the fact that the petitioners are in custody since 02.09.2015 and 11.09.2015, respectively, and the challan is yet to be presented, this Court is of the considered opinion that the petitioners cannot be kept under incarceration for an indefinite period.

In view of the above, without advertng to the merits of the instant case, this petition is allowed. The petitioners be admitted to bail during the pendency of the trial, subject to their furnishing bail bonds/surety bonds, to the satisfaction of the Illaqa Magistrate/Duty Magistrate.

15.10.2015
atulsethi

(JITENDRA CHAUHAN)
JUDGE