

Sr. No.244

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-17887 of 2016 (O&M)

Date of Decision: 26.05.2016

Jasbir Singh alias Jassa

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. L.M.Gulati, Advocate,
for the petitioner.

Mr. A.S.Chaudhary, Additional A.G., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.1239 dated 21.12.2015, under Sections 420/467/468/471/120-B of Indian Penal Code and Sections 61/1/14 of Excise Act, registered at Police Station Jhajjar, District Jhajjar.

As per prosecution version, secret information had been received that one Pappu Garg resident of Patiala is doing the work of smuggling illicit liquor and consignment has been got loaded in a commercial vehicle bearing registration No. HR-55-D-6313 and is proceeding from Patiala towards Gujarat. Secret informant gave out the name of the driver to be Jasbir Singh.

Based on secret information, *nakabandi* was laid and the vehicle in question was intercepted and a heavy recovery of liquor was effected. Petitioner was apprehended on the spot as he was driving the

vehicle.

Petitioner has faced incarceration since 21.12.2015.

Challan qua the petitioner stands presented on 21.03.2016.

During the course of arguments, it has gone uncontroverted that the ownership of the vehicle in question has been found to be in the name of Gurdeep Singh. Even as per prosecution version, the person behind smuggling of illicit liquor is Pappu Garg.

Pappu Garg and Gurdeep Singh i.e. owner of the truck are still absconding.

Counsel has argued that the petitioner was poor employee of the main accused and has no concern with the smuggling of the illicit liquor or with regard to preparing forged/fake documents pertaining to the commercial vehicle.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Jhajjar.

Petition disposed of.

26.05.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE