

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-29322 of 2017
Date of Decision: 21.08.2017

Sourabh Khanna

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Naveen Batra, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.99 dated 09.07.2017 registered for the offence punishable under Section 61 of the Punjab Excise Act, 1914, at Police Station Nangal, District Rupnagar.

Heard.

Notice of motion.

On asking of the court, Ms. Rajni Gupta, Sr. DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

The petitioner was arrested on 09.07.2017 and two boxes of liquor containing 12 bottles each were recovered from him. From another tempo, which the petitioner was escorting, 62 boxes of liquor containing 12 bottles each, were recovered. The case of prosecution against the petitioner is that he had indulged in smuggling of liquor from Himachal Pradesh to

Punjab.

The matter is still under investigation. Recovery of 744 bottles of liquor was effected from tempo. As to whether petitioner was in constructive possession of same, is a fact which is subject matter of investigation and a point for determination during trial. No purpose will be served by keeping the petitioner, who is in judicial custody, in jail.

Keeping in view above facts and that completion of investigation, presentation of challan and conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Sourabh Khanna is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

August 21, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No