

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

CRM-M-32718-2017

Date of decision: 25.10.2017

Gurcharan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Ranjit Singh Sidhu, Advocate for
Mr.Gopal Singh Nehal, Advocate
for the petitioner.

Ms.Samina Dhir, DAG, Punjab.

H.S. MADAAN, J.

This petition has been filed for the grant of regular bail to the petitioner – Nirmal Singh, an accused in FIR No.63 dated 5.7.2017, under Section 61 of Punjab Excise Act, 1914 and Sections 420, 465, 468, 471 and 120-B IPC, registered at Police Station Sadar, Sangrur, District Sangrur, who was arrested in this case on 5.7.2017.

Briefly stated, the facts of the case as per prosecution version are that the on 5.7.2017, a police party from Police Station Sadar, Sangrur headed by ASI Hardeep Singh travelling in a Government vehicle was present at bus-stand village Dehkalan in connection with patrolling and checking of suspicious persons at about 6:00 p.m.; that ASI Hardeep Singh received a secret information that Gurcharan Singh son of Joginder Nath, Caste Khatri, resident of Wadhwa Nagar, Zirakpur, Baltana, Police

Station Zirakpur, District S.A.S. Nagar, Mohali (present petitioner) along with his other companions was preparing duplicate liquor at Chandigarh, affixing the false label thereon and then selling of the same in the villages of Sangrur and on that day, he was likely to come along with said bottles of liquor; that ruqa was sent, formal FIR was recorded on the basis thereof and a picket was laid; that an Ertiga vehicle white in colour was spotted coming having two riders followed by a canter; that on seeing the police party the Ertiga vehicle sped away, whereas canter bearing registration No.HR68-A-3826 was stopped, which was being driven by Gurcharan Singh – petitioner; that it was found to be loaded with 120 cases, each case having 12 bottles of 750 ML each of liquor marka Empire No.1 Mota Santara Spiced Country Liquor for sale in Chandigarh (U.T.) only; that such cases were taken into possession, after drawing samples therefrom. Accused was arrested in this case.

The petitioner had moved an application for regular bail but was unsuccessful and the same was dismissed vide order dated 23.8.2017 passed by learned Additional Sessions Judge, Sangrur. Hence the present petition.

Notice of the petition was given to the State and State counsel has put in appearance.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned State counsel has filed the custody certificate in respect of the petitioner showing that the petitioner is in custody for a period of more than three months. He is not shown to be involved in any

other case. His co-accused namely Devinder Singh @ Mani and Jagjit Sharma @ Bhalu have already been granted regular bail by the Court of learned Additional Sessions Judge, Sangrur.

Since the recovery has been effected and accused is in judicial custody, the completion of investigation, filing of challan is likely to take some time, in view of the fact as stated by learned State counsel that co-accused Ravi belonging to Chandigarh is yet to be arrested and proceedings under Sections 82/83 Cr.P.C. have been initiated against him, I find it proper and appropriate if the petitioner is granted the benefit of regular bail.

Under the circumstances, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate, Sangrur. The Illaqa Magistrate/Duty Magistrate, Sangrur accepting the bonds may impose any term and condition found suitable to ensure that the petitioner does not abscond and give any threat or intimidation to the prosecution witnesses.

It is clarified that if the petitioner is found to be involved in any other criminal case after being released on bail vide this order, the order shall be liable to be withdrawn.

This petition stands allowed accordingly.

25.10.2017
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No