

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-40029 of 2017

Date of Decision: 31.10.2017

Prem Singh alias Gaggi

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Ram Bilas Gupta, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.80 dated 12.08.2017 under Section 61 of the Punjab Excise Act, 1914 (for short, “the Act”) registered at Police Station Longowal, District Sangrur.

Learned counsel for the petitioner contends that the allegation against the petitioner is that he was found in possession of 1200 bottles of country made liquor. He is a labourer and a false case has been fastened upon him. There is no other case against the petitioner and he is in custody since 18.02.2017.

Learned State counsel does not dispute the custody of the petitioner. He submits that recovery of 1200 bottles of country made liquor was effected from the petitioner and sample of the same has been sent to FSL laboratory and investigation in the matter is in progress.

I have heard learned counsel for the parties.

The alleged recovery made from the petitioner is 1200 bottles of country made liquor. Admittedly, the FSL report is still awaited. In the absence of FSL report, it is difficult to comment as to whether the case against the petitioner will fall within the ambit of the Punjab Excise Act, 1914 or otherwise. No other case has been pointed out against the petitioner.

Considering the fact that the petitioner in custody since 18.02.2017 and FSL report (Analysis report) is still awaited, the present petition is allowed. The petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

Needless to say that the observations made hereinabove shall not be construed as any expression on the merits of the case.

October 31, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No