

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

CRM No. M-5567 of 2017.

Date of Decision: 21.03.2017.

Jalor Singh and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. H.S. Brar, Advocate,
for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana
assisted by HC Naresh Kumar.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 439 the Cr.P.C seeking regular bail in case FIR No.874 dated 28.09.2016 registered under Sections 420, 467, 468 and 471 IPC and Section 61 of Excise Act at Police Station Jhajjar, District Jhajjar.

Learned counsel for the petitioners refers to Section 61 contained in Chapter IX (Offences and Penalties) to contend that the offence is compoundable. It is further contended that petitioner No.1 is the owner of the alleged truck from where alleged quantity of the liquor was recovered whereas, petitioner No.2 is the driver of the vehicle. It is submitted that the liquor in question was booked by one Massa Singh. However, investigation qua alleged owner of the liquor has not been made by the State. It appears that the investigation in the matter is not

fair and the State is shielding the persons responsible for the illicit trade. The cleaner on the same vehicle has already been granted the concession of bail by this Court vide order Annexure P-2. The petitioners are in custody since 28.09.2016.

On the other hand, the learned State counsel opposes the bail application.

Heard.

Considering the fact that the offence in question is compoundable, similarly situated co-accused has already been admitted to bail vide order, Annexure P-2, the petitioners are in custody since 28.09.2016, so, without commenting on the merits of the case, this petition is allowed. The petitioners be admitted to bail during the pendency of trial, on their furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

21.03.2017.

SN

(JITENDRA CHAUHAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No