

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

Sr. No.215

CRM-M No.8351 of 2017

Date of decision: 16.03.2017

Sewa Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. O.P. Kamboj, Advocate
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 439 Cr.P.C., the petitioner seeks regular bail in FIR No.52 dated 15.04.2014, registered under Sections 61/1/14 Excise Act, at Police Station Kot Ise Khan, District Moga.

Seeking regular bail for the petitioner, learned counsel submits that the petitioner has been falsely implicated in this case; there is no other criminal case pending against him; he has been in custody for the last over 2 ½ months; since after conclusion of investigation, report under Section 173 Cr.P.C. has been filed before the competent court, the petitioner is no longer needed for investigation purposes and if the case of the prosecution is accepted as the gospel truth, which the petitioner does not admit, the only allegation is that he alongwith his co-accused were found in possession of 36 bottles of liquor.

Learned State counsel opposes the grant of bail on the ground that at an earlier point of time the petitioner was declared as a proclaimed offender.

On the objection raised by the State with regard to declaration of the petitioner as a proclaimed offender earlier, learned counsel for the petitioner submits that the matter has paled into insignificance since the petitioner was arrested and is in custody for the last 2 ½ months. He further undertakes on behalf of the petitioner that the petitioner would now appear before the trial Court on all future dates unless specifically exempted.

After considering the aforesaid submissions, I am of the opinion that the petitioner deserves to be admitted to regular bail.

Bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Moga.

Nothing observed herein above shall be considered to be an expression of opinion by this Court on the merits of the case.

If the petitioner is found indulging in any criminal act or misusing the concession of bail granted by this Court, it would be open to the State to seek cancellation of bail granted through this order by filing an appropriate application before the competent Court/this Court.

(DEEPAK SIBAL)
JUDGE

March 16, 2017

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(i) Whether speaking/reasoned Yes/No
(ii) Whether reportable Yes/No