

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

Sr.No.229

CRM-M-39587 of 2018

Date of Decision:14.09.2018

Nachhatar Singh

....petitioner

Versus

State of Punjab

.....respondent

CORAM: HON'BLE MR.JUSTICE ARVIND SINGH SANGWAN

Present: Mr.A.S.Brar, Advocate
for the petitioner

Mr.J.P.Ratra, DAG Punjab

ARVIND SINGH SANGWAN, J. :

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.89 dated 14.09.2017, for offence punishable under Sections 341,379-B, 427,148,149,506 of the Indian Penal Code (in short 'IPC'), registered at Police Station Badhnikalan, District Moga.

Counsel for the petitioner has submitted that, as per the allegation in the FIR, the petitioner has been named by giving his parentage and by stating that the accused persons are already in the business of selling illicit liquor. Learned counsel for the petitioner further submits that as per the FIR, no injury was caused to any person and the petitioner has been implicated on account of the fact that the petitioner was opposing the running of liquor vend in the village. It is further submitted that the petitioner is in judicial custody since 17.06.2018, is not involved in any

other case and is not required for any further custodial interrogation.

Counsel for the State, on instructions from HC Tarsem Singh, has not disputed the factual position but opposed the prayer for bail. He has further submitted that the challan has already been presented and the case is now fixed for framing of the charges.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; he is in judicial custody since 17.06.2018 and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

14.09.2018

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Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No