

S.No.212

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

CRM-M-40878 of 2018 (O&M)

Date of Decision:26.09.2018

Satish Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Naresh Jain, Advocate
for the petitioner.
Mr. K.S. Aulakh, DAG, Punjab.

Rajbir Sehrawat, J.(Oral)

CRM No.34123 of 2018

This is an application for incorporating Sections 408/120-B
IPC in the heading and prayer clause of the petition.

For the reasons mentioned in the application, the same is
allowed. Sections 408/120-B IPC are added in the heading and prayer
clause of the petition.

Registry to carry out the necessary correction in the heading
and prayer clause of the petition.

CRM-M-40878 of 2018

The present petition has been filed by the petitioner under
Section 439 Cr.P.C for grant of bail pending trial in case FIR No.90 dated
11.06.2018 registered under Section 408/120-B/420/467/468/471/473/474
IPC at Police Station Sri Muktsar Sahib.

Counsel for the petitioner contends that the main allegation in
the case is regarding not depositing the excise licence fees by the employee
of the complainant, namely, Kulwant Singh. It is contended by the counsel

for the petitioner that the petitioner is not the employee of liquor vend owner nor has he ever worked for that liquor vend licensee. Still further, it is contended that there is not even allegation against the petitioner that he shared any money from the illegal proceeds retained by the main accused Kulwant Singh. To involve the petitioner falsely, only a recovery of one stamp of Bank has been fabricated against the petitioner; as having been recovered from bushes at some open place. It is further submitted that the petitioner is in custody since 12.06.2018. There is no other case against the petitioner. The challan only stands presented. Therefore, the petitioner is not required for any investigation purposes.

On the other hand, learned State Counsel being instructed by ASI Jagdish Singh submits that the stamp of the Bank has been recovered from the petitioner and the challan form has been sent to FSL for handwriting comparison. However, it is not disputed by the learned State Counsel that there is no other case against the petitioner and that the challan stands filed by the Police.

In view of the above, but without commenting upon any further on merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds/sureties to the satisfaction of the trial Court/ Duty Magistrate.

September 26, 2018
renu

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No