

219.

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

CRM-M-46721-2018

Date of decision:29.10.2018.

SHIV KUMAR @ SHIVA AND ANR

... Petitioners

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Salinder Kumar Saini, Advocate, for the petitioners.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in case FIR No.0081 dated 09.09.2018 registered under Section 61 of Punjab Excise Act, 1914 at Police Station Sadar Moga, District Moga.

As per the FIR when the police party for checking the bad elements was present on link road at Village Salina, a secret informer informed that Balraj Singh alias Bali son of Iqbal Singh, Shiv Kumar alias Shiva, Jagjeet Singh, Simarandeep Singh, who are habitual of bringing country made liquor at cheap rates from the other States and selling it in nearby villages, are bringing country made liquor from Chandigarh in a Canter bearing registration No.PB-30-D-1350 and Car Verna bearing PB-29-R-4565. If a naka is laid on road from Ghall Kalan to Bukan Wala, then they can be caught red handed with huge quantity of country made liquor. On the basis of said information, the police party laid naka and 410 cartoons of liquor, meant for sale in Chandigarh only, were recovered.

Learned counsel for the petitioners states that the petitioners were neither owner nor driver of the canter and merely travelling in it. Balraj Singh, who was allegedly going ahead of the canter in his Verna car bearing registration No.PB-29-R-4565, has already been admitted on bail by the trial Court. No recovery is required to be effected from the petitioners and they are in custody since 09.09.2018. There is no other case against them.

Learned State counsel, on instructions from ASI Gurdarshan Singh, states that huge quantity has been recovered from the canter in which the petitioners were travelling. So far as the bail of other accused Balraj Singh is concerned, the trial Court has admitted him on interim bail which has yet not been confirmed.

I have heard learned counsel for the parties.

Considering the fact that the petitioners are in custody since 09.09.2018, there being no other case against them and the fact that they were merely travelling in the canter, their culpability is yet to be established during trial and the fact that co-accused Balraj Singh has been admitted on bail by the trial Court (even if on interim), this Court deem it appropriate to admit them on bail.

Accordingly, present petition is allowed and the petitioners are admitted on regular bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

(HARI PAL VERMA)
JUDGE

29.10.2018
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.