

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

218

CRM-M-46884-2018

Date of Decision:31.10.2018

Jagjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Talwinder Singh, Advocate,  
for the petitioner.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab.

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HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.81 dated 09.09.2018 under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Sadar Moga, District Moga.

Learned counsel for the petitioner states that the petitioner was merely a driver of the vehicle from which liquor was recovered. Moreover, co-accused namely Shiv Kumar @ Shiva and Simrandeep Singh, who were travelling in the Canter have already been granted bail by this Court vide order dated 29.10.2018 passed in CRM-M-46721-2018. He further states that even main accused Balraj Singh, who was going ahead of the Canter in the Verna car bearing PB-29-R-4565, has already been admitted on bail by the trial Court. No recovery is required to be effected from the petitioner and he is in custody since 09.09.2018. There is no other case against him.

Singh, has argued that the Canter in which the liquor was being smuggled was carrying 4920 bottles, which is a huge quantity and therefore, petitioner does not deserve to be admitted on bail.

I have heard learned counsel for the parties.

It is not in dispute that the petitioner is in custody since 09.09.2018 and his co-accused Shiv Kumar @ Shiva and Simrandeep Singh have already been granted bail by this Court vide order dated 29.10.2018. Even otherwise, Balraj Singh, who was travelling in Verna car ahead the Canter, in which liquor was smuggled, has already been admitted on bail by the trial Court. No other case has been pointed out against the petitioner and his culpability is yet to be established during the course of trial, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/heavy surety bonds to the satisfaction of trial Court.

However, it is made clear that in case the petitioner is found indulged in any other case of similar nature, the prosecution would be at liberty to seek cancellation of his bail in the present case.

**October 31, 2018**  
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**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No