

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

CRM-M No. 50548 of 2018

Date of decision : 22.11.2018

Harwinder Singh alias Pati

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. J. S. Sandhu, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

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DAYA CHAUDHARY, J.

Petitioner Harwinder Singh alias Pati has approached this Court by way of filing the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.143 dated 25.09.2018 under Section 61 of the Punjab Excise Act, 1914 registered at Police Station – Sadar Bathinda, Distt. Bathinda, during the pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case as the FIR was registered on the basis of secret information. As per the story set forth by the prosecution, he was found to be in possession of 18 boxes of Haryana made liquor. Neither any independent witness was joined at the time of the alleged recovery nor the search was effected in the presence of any gazetted officer. The petitioner

has no connection with the alleged recovery. He is not a habitual offender. He is not having any past record of being involved in any case of similar nature. Learned counsel also submits that from the bare perusal of the FIR, the conscious possession of alleged recovery is not established. All the prosecution witnesses are official witnesses and there is no possibility that the petitioner may influence them or tamper with the evidence. He is in custody since 25.09.2018 and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the period of custody undergone by the petitioner. She has also not disputed the fact that no other case is there against him.

Heard learned counsel for the petitioner as well as learned State counsel and have also gone through the FIR and other documents available on record.

Keeping in view the allegations levelled against the petitioner; the period of custody undergone by him and also the fact that no other case, either under the Punjab Excise Act or NDPS Act, is there against him, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing adequate bail/surety bonds to the satisfaction of the trial Court.

22.11.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No