

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

**CRM-M No.4639 of 2019
Decided on: 06.03.2019**

Vijay Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : None for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

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.114 dated 03.12.2018, for offence punishable under Section 61/1/14 of the Excise Act, 1914, registered at Police Station Bhadson, Patiala, District Patiala.

As per the allegations in the FIR, the petitioner was arrested on 03.12.2018 with 150 boxes of liquor, whose duty was paid in the State of Haryana. It is further stated in the FIR that the petitioner was apprehended at the spot with a huge quantity of liquor, which was meant for sale in the State of Haryana and the same was illegally brought to Punjab. The petitioner is in custody since 06.12.2018 and as per the Custody Certificate, he is not involved in any other case.

Counsel for the State has filed the Custody Certificate today in the Court and on instructions from HC Gurpreet Singh, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 06.12.2018; he is no more required for further investigation and conclusion of the trial is likely to take some time as the offences are triable by the Court of Magistrate, 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/Illaqa 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

06.03.2019
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No