

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

107+108+227

Date of Decision: 02.04.2019.

(1) CRM-11233-2019 in CRM-M No.11546 of 2019

Narender SinghPetitioner.

VERSUS

State of HaryanaRespondent.

(2) CRM-M No.5268 of 2019

Braham PalPetitioner.

VERSUS

State of HaryanaRespondent.

(3) CRM-M No.1191 of 2019

Krishan Kumar and anotherPetitioners.

VERSUS

State of HaryanaRespondent.

(4) CRM-M No.4502 of 2019 (O&M)

NaveenPetitioner.

VERSUS

State of HaryanaRespondent.

(5) CRM-M No.4810 of 2019

Bhuwnesh Kumar and othersPetitioners.

VERSUS

State of HaryanaRespondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. R.S. Rai, Senior Advocate, with
Mr. Sahil Goel, Advocate, for the applicant-petitioner
(in CRM-11233-2019 in CRM-M-11546-2019).

Mr. Aman Pal, Advocate for the petitioner
(in CRM-M-5268-2019).

Mr. Jitender Dhanda, Advocate for the petitioners
(in CRM-M-1191-2019 & CRM-M-4810-2019).

Mr. Chander Shekhar, Advocate for the petitioner
(in CRM-M No.4502-2019).

Mr. Tanushree Gupta, Deputy Advocate General, Haryana.

Shekher Dhawan, J.

CRM-11233-2019

In view of the grounds mentioned in the application, same stands allowed. The main case (CRM-M No.11546 of 2019) is preponed for today.

Main Cases

All the aforementioned five petitions under Section 439 of the Criminal Procedure Code have been filed for grant of regular bail to the petitioners Narender Singh, Braham Pal, Krishan Kumar, Umed Singh, Naveen, Bhuwnesh Kumar, Bablu, Divender, Prem Pal, Shiv Shankar, Bunty, Ramniwas, Sunil Kumar, Gaurav, Banti, Mulayam Singh and Mahesh, in case F.I.R. No.186 dated 15.09.2018, under Sections 307 (deleted lateron), 272, 420, 467, 468, 471, 120-B, 188, 201, 202, 212 of the Indian Penal Code (for short, 'IPC') and Section 61/1/2014 of the Excise Act, registered at Police Station Ismailabad, District Kurukshetra.

Allegations against the petitioners are that they had installed a factory of illicit liquor manufacturing in a closed rice mill and on search, on the basis of secret information, factory was raided. Accused—Bhuwnesh Kumar, Bablu, Divender, Prem Pal, Shiv Shankar, Bunt, Ramniwas, Sunil Kumar, Gaurav, Banti, Mulayam Singh, Mahesh, Krishan Kumar, Umed Singh, Pawan Shukla and Bijender were arrested on the spot and Narender Singh, Braham Pal and Naveen were not named in the F.I.R. and were not apprehended at the spot, but their names were disclosed by the co-accused and they were arrested in on 12.11.2018 and 16.11.2018. The remaining petitioners are in custody since 15.09.2018.

Learned counsel representing the petitioners contended that co-accused Pawan Shukla has already been admitted to bail as per order dated 29.01.2019 passed by this Court in CRM-M No.2969 of 2019 and accused Susheel Rana and Sanjay Sharma have also been released on bail as per orders of learned Additional Sessions Judge, Kurukshetra. All the offences, alleged against the petitioners are triable by the Court of Magistrate because offence under Section 307 IPC has been deleted at the instance of investigating agency itself. Trial of the case still to take some more time, no useful purpose would be served by detaining the petitioners behind the bar, so they be released on bail.

Learned State counsel affirmed the fact that Section 307 IPC has been deleted and the remaining offences are triable by the Court of Magistrate and that the petitioners are in custody since September, 2018 and November, 2018 in this case. Co-accused Pawan Shukla has already been

admitted to bail as per order dated 29.01.2019 passed by this Court in CRM-M No.2969 of 2019 and accused Susheel Rana and Sanjay Sharma have also been released on bail as per orders of learned Additional Sessions Judge, Kurukshetra.

Having considered the submissions made by learned counsel for the parties and the fact that co-accused Pawan Shukla has already been admitted to bail as per order dated 29.01.2019 passed by this Court in CRM-M No.2969 of 2019, co-accused Susheel Rana and Sanjay Sharma have also been released on bail as per orders of learned Additional Sessions Judge, Kurukshetra; the offences, being triable by the Court of Magistrate; trial of the case still to take some more time and no useful purpose would be served by detaining the petitioners behind the bar any more, all the aforementioned five the petitions are allowed. Petitioners—Narender Singh, Braham Pal, Krishan Kumar, Umed Singh, Naveen, Bhuvnesh Kumar, Bablu, Divender, Prem Pal, Shiv Shankar, Bunty, Ramniwas, Sunil Kumar, Gaurav, Banti, Mulayam Singh and Mahesh, are ordered to be admitted to regular bail on their furnishing adequate bail bonds and surety bonds to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

02.04.2019

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No