

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

209

CRM-M-22625-2019 (O & M)
Date of Decision:24.05.2019

Hem Raj @ Hema

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Janak Singh Bhinder, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.73 dated 29.03.2019, under Section 61 of Punjab Excise Act, registered at Police Station Bhiwanigarh, District Sangrur.

As per FIR, on 29.03.2019 ASI Gian Singh and other police officials in connection with patrolling and checking of suspected persons were present at Phaguwala Kenchia (crossing) where a secret information was received that Hem Raj @ Hema (petitioner) along with other co-accused would bring country made liquor from Haryana and sell the same in the villages of Punjab. According to prosecution the country made liquor was being brought from Haryana in Skoda car bearing registration No.HR-70-B-1068 in the area of village Balial. Thereafter a Naka was laid at the disclosed place. In the meantime, said Sakoda car came from the side of village Balial and signalled to stop. The car was stopped at some distance

behind the police party and tried to turn the car towards backside, but the car stopped. The driver of the car disclosed his name as Hem Raj @ Hema (petitioner). From the car 264 bottles of country made liquor and from the dicky of the car five cans containing country made liquor were recovered. On the basis of disclosure statement made by Hem Raj @ Hema (petitioner), 23 boxes of country made liquor were also got recovered. Thus in all 900 bottles of country made liquor were recovered from the petitioner.

Learned counsel for the petitioner contends that no offence as alleged in the FIR has ever been committed by the petitioner, who has been falsely implicated in the case. He further contends that the petitioner has no concern with the vehicle from which the alleged recovery has been effected. He also contends that the conclusion of the trial will take long time.

On the other hand, learned State counsel assisted by SI Mohan Dass has opposed the bail application. However, it is not disputed that the challan stands filed before the Court.

Considering the above background and the fact that trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

24.05.2019
sheetal

(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No