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

CRM-M-30707 of 2019

Date of decision: November 06, 2019

Sandeep Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Shubhankar Baweja, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG Haryana.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.121 dated 27.03.2019, under Section 188 of the Indian Penal Code, 1860 (for short 'IPC') and Section 61 of the Punjab Excise Act, 1914 (for short 'Excise Act') (Sections 409, 420, 120-B of IPC added later on), registered at Police Station Sadar Thanesar, District Kurukshetra.

As per prosecution case, on the basis of some secret information, the petitioner was apprehended and 4128 quarter bottles of English Liquor (Imperial Blue Whiskey) and 4600 quarter bottles of English Liquor (Crazy Romeo Whiskey) were recovered from his possession, which were purchased by him from co-accused Raj Kumar MHC and Rajinder Kumar ASI, respectively.

Contentends that the petitioner is in custody since 27.03.2019 and after investigation, report under Section 173 of the Cr. P.C. was submitted on 23.05.2019. Also contends that charges were framed on

23.07.2019, but the prosecution evidence is yet to start.

The above factual position is duly acknowledged by learned State counsel, on instructions from the police official present in Court to assist him, but has opposed the prayer of the petitioner on the ground that there are six other cases against him under the Excise Act.

Heard both sides and perused the paper-book.

Since the petitioner is in custody since 27.03.2019, investigation in the matter is already over and out of total 18 prosecution witnesses, none has been examined; thus, the trial will take sufficient long time. Therefore, further incarceration of the petitioner would not serve any purpose.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

November 06, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No