

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

**Crl. Misc. No.M-48646 of 2019 (O&M)
Date of Decision: November 21, 2019**

Rahul Kumar

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. J.S. Thakur, Advocate for
Mr. K.S. Kang, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 271 dated 10.10.2019 registered for the offences punishable under Sections 61 of Punjab Excise Act, at Police Station Kotwali Patiala, District Patiala.

Heard.

Notice of motion.

On asking of the court, Mr. Amitoj Singh Dhaliwal, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per case of the prosecution, petitioner was arrested on 10.10.2019 along with consignment of 24 cartons of liquor, which was for

'Sale in Chandigarh'.

Learned State counsel submits that the matter is still under investigation and challan has not been filed so far. Petitioner is not involved in any other case.

Keeping in view the recovery of effected from the petitioner and that completion of investigation and trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Rahul Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without prior permission of the Court.

November 21, 2019

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No