

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

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CRM-M No.9337 of 2020

Date of Decision: May 29th, 2020

Avinash Kumar @ Abhi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. K.S. Hundal, Advocate
for the petitioner.

Mr. Suvir Sheokand, Additional Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for the grant of bail in FIR No.15 dated 19.01.2020 registered under Sections 78, 61 of the Punjab Excise Act and Sections 420, 465, 468, 471, 120-B, 482 IPC at Police Station Kartarpur, District Jalandhar Rural.

Learned counsel for the petitioner contends that the petitioner has been found to be in possession of 30 boxes of liquor in the vehicle which was being driven by him and on his disclosure statement, 350 other boxes have been recovered from the godown. He contends that the petitioner was arrested on 19.01.2020 and is still in custody with the trial not likely to conclude in near future as till date no charge has been framed. He contends that the petitioner has already been in custody for four months and as per the allegations and the challan, which has been presented, the maximum sentence, which the petitioner can suffer is one year. He asserts that in these circumstances, petitioner be granted the concession of bail.

Counsel for the State, on the other hand, contends that huge quantity of liquor has been recovered from the petitioner and further that he is involved in two other cases of the similar nature. He, however, could not

dispute the fact that the charge has not yet been framed and out of the two other cases, he has been released on bail in one case. He, therefore, contends that concession of bail as prayed for be not granted to the petitioner.

I have considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner is in custody for the last more than four months and the trial is not likely to conclude in near future with the present pandemic, which is being faced by us all, the prayer made in the present petition is accepted.

Petitioner is granted the concession of bail as prayed for. He be released on bail to the satisfaction of the /Chief Judicial Magistrate/ Duty Magistrate, Jalandhar.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

May 29th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No