

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

205

Date of decision: 06.11.2020

1.

CRM-M-22128-2020

Sonu Singh

.....Petitioner

versus

State of Punjab

....Respondent

2.

CRM-M-23209-2020

Sarwan Singh @ Kala

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. S.S. Gill, Advocate for the petitioner
in CRM-M-22128-2020

Mr. G.S. Salana, Advocate, for the petitioner
in CRM-M-23209-2020.

Mr. Saurav Khurana, DAG, Punjab
(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual Court).

GIRISH AGNIHOTRI, J. (Oral)

This order shall dispose of CRM-M-22128-2020 and CRM-M-23209-2020 as common issues are involved. For the sake of convenience, CRM-M-22128-2020 is being treated as the lead case.

Petitioner-Sonu Singh in CRM-M-22128-2020 and petitioner-Sarwan Singh @ Kala in CRM-M-23209-2020, have filed the present petitions *inter alia* with a prayer for grant of regular bail in case FIR No.117 dated 27.06.2020, under Sections 61, 78 of the Punjab Excise Act, 1914 and

Sections 177, 181, 192 of the Motor Vehicles Act 1988, registered at Police Station Goraya, District Jalandhar Rural.

Learned counsel for the petitioners based on pleadings submit that as per the allegations in the FIR, on 27.06.2020, the complainant was present at Naka. It is alleged that on seeing a black colour car coming from Goraya side, the same was stopped by Sub Inspector. The persons in the car were Sarwan Singh @ Kala resident of Goindwal, District Tarn Taran and a person sitting on co-driver seat was Uttam Singh @ Laddi. It is then submitted that the petitioner Sonu Singh has not been named in the FIR. He has been involved on the disclosure statement. The recovery allegedly is of 525 liter of spirit alcohol.

Learned State counsel, on instructions from SI Gursharan Singh, submits that challan has been presented on 22.08.2020. There are total of 12 witnesses, but none has been examined till date. It is also submitted that as regards the petitioner, namely Sonu Singh, there are two more FIRs against him, whereas the another petitioner-Sarwan Singh @ Kala, there is one more FIR under Excise Act, against him. He then submits that in case, they are released on bail, they are likely to indulge again in same/similar crime.

Learned counsel for the petitioners submit that the petitioner-Sonu Singh has not been named in the FIR No.116 dated 27.06.2020 and he was involved on the basis of disclosure statement. Learned counsel further submits that in the second FIR, *inter alia* registered under Section 302 IPC, the petitioner is already on bail.

Faced with the situation, learned counsel for the petitioners submit that they have instructions from the petitioners and their family members that in order to show their *bona fides*, the petitioners and their

family members are ready and willing to deposit bank gaurantee worth Rs.2 lacs each before the Duty Magistrate/trial Court, with an undertaking that they would not involve themselves in any other case after the present case and if, they are found involved and found guilty in any other subsequent case (today onwards), the above said bank gaurantee can be forfeited and deposited in the Government Treasury.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID and the fact that trial is likely to take time, this Court deems it appropriate to release the petitioners on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to their furnishing adequate bail bonds/surety bonds.

In addition to the bail/surety bonds, in pursuance to the offer made by counsel for the petitioners, the petitioners would submit the bank gaurantee worth Rs.2 lacs each with an undertaking that they would not involve themselves in any other case after the present case and in case, they are found involved and found guilty in any other subsequent case (today onwards), the above said bank gaurantee worth Rs.2 lacs each shall be forfeited and deposited in the Government Treasury. The same shall be without prejudice to defence of the petitioners before the trial Court.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

Disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

06.11.2020.

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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No