

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

106

CRM-M-23239-2020(O&M)

Date of decision: 23.12.2020

Sukhdev Singh @ Lala and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Satwant Mehta, Advocate for
Mr. Bikramjit Singh Randhawa, Advocate
for the petitioners.

Mr. Sarabjit Singh, Asstt. A.G., Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

CRM-20057-2020

For the reasons mentioned in the application, the same is allowed and the petitioners are exempted from filing certified copies of FIR No.116 dated 27.06.2020 and order dated 21.07.2020 and true typed copies of the same are taken on record as Annexures P-1 and P-2.

CRM-M-23239-2020

The petitioners have filed the present petition under Section 439 of the Code of Criminal Procedure, 1973. for grant of regular bail in case FIR No.116, dated 27.06.2020 registered under Sections 61 and 78 of the Punjab Excise Act, 1914 and Sections 177, 181 and 192 of the Motor Vehicles Act, 1988 in Police Station Goraya, District Jalandhar (Rural).

As per the prosecution version, on 27.06.2020 police party headed by SI Jagdish Raj conducted nakabandi on secret information and apprehended co-accused Nishan Singh along with Canter bearing registration No.PB-02-DS-8189 and on search recovered 17 drums containing 200 liters of spirit alcohol each and 72 cans containing 35 liters of spirit alcohol each from the Canter. During interrogation co-

accused Nishan Singh made disclosure statement alleging that Sarvan Singh and Sonu Kaka s/o Tota Singh were in the business of sale of spirit alcohol and Sonu used to prepare spurious alcohol from the spirit alcohol and that Sarvan and Uttam Singh had purchased the spirit alcohol from Ghochu and that Sukhdev Singh and Sonu Singh (the petitioners) were the persons to whom the spirit alcohol loaded in the Canter was to be delivered.

The petitioners have filed the present first petition for grant of regular bail which has been opposed by the respondent-State in terms of reply filed by way of affidavit of Sh. Suhail Qasim Mir, IPS, Assistant Superintendent of Police, Sub Division Phillaur, District Jalandhar.

In compliance with order dated 04.09.2020 learned State Counsel has sent copies of CFSL report through e-mail print out of which is taken on record. As per the CFSL report the samples were found to contain ethyl alcohol (around 82% v/v).

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioners has argued that the petitioners were not named in the FIR. The petitioners were not apprehended on the spot and no recovery was made from them. The petitioners have been falsely implicated on the basis of disclosure statement of co-accused Nishan Singh. The disclosure statement is not of any evidentiary value. There is no other cogent evidence to show their involvement in the crime and the petitioners have no connection with the alleged offences. The petitioners are in custody since 29.06.2020. Trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful purpose will be served by keeping the petitioners in custody. Therefore, the petitioners may be ordered to be released on regular bail.

On the other hand, learned State Counsel has argued that the petitioners are involved in commission of serious offences and in view of the gravity of offences, the petitioners do not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioners, the fact that no recovery was made from the petitioners who have been arrested on the basis of disclosure statement of co-accused Nishan Singh and the fact that the trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19 but without commenting on merits of the case, I am inclined to extend the concession of regular bail to the petitioners.

In view of the above discussion, the petition is allowed and the petitioners-Sukhdev Singh @ Lala and Sonu Singh are ordered to be released on regular bail on furnishing of requisite bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioners-Sukhdev Singh @ Lala and Sonu Singh are granted regular bail subject to the condition that the petitioners shall not commit any offence under the Punjab Excise Act, 1914 after their release on bail and in case of commission of any offence under the Punjab Excise Act, 1914 by them after their release on bail, their bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

23.12.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No