

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-28143-2020

Date of Decision: 22.9.2020

Saurav Khajuria

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Vishal Munjal, Advocate
for the petitioner (s).

Mr. Joginder Pal Ratra, DAG, Punjab.

KARAMJIT SINGH, J.(Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

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.29 dated 12.9.2019 registered for the offences punishable under
Sections 61, 1, 14 and 78 (2) of Punjab Excise Act, 1914 and Section 188 of
Indian Penal Code (for short, "IPC") at Police Station Narot Jaimal Singh,
District Pathankot.

Heard.

The bail application is contested by the learned State counsel.

As per the FIR, the police intercepted Canter bearing
registration No.PB35Z-1567 on 12.9.2019 on the basis of secret information
while it was coming from the side of village Jainpur towards Kablor bridge.

out and succeeded in escaping. On checking of the canter, 670 boxes of liquor which included 445 boxes of Naina, XXX Rum meant for sale in UT Chandigarh and 225 boxes of Naina Whisky meant for sale in Haryana only were recovered.

During the investigation, the owner of Canter namely Keshav Kumar alias Keshu was arrested and he was released on default bail vide order dated 18.11.2019.

During the investigation, the petitioner and Gaurav Mahajan, Sonu GM, Abdul and Rahi Sanwal were nominated as accused on the basis of call detail records and the disclosure statement made by Keshav Kumar., On further investigation, Gaurav Mahajan, Sonu GM, Abdul and Rahi Sanwal were found innocent. The petitioner was arrested in this case on 7.8.2020. No incriminating article was recovered from the conscious possession of the petitioner. As per custody certificate, he is in custody for the last one month and 13 days. As per learned State counsel, challan was presented in the Court of Illaqa Magistrate but the same was returned by the Court with certain directions to the police. Learned State counsel further submits that now SIT has been constituted to look into the matter.

The alleged recovery has already been effected in this case and on completion of investigation, the petitioner is presently lodged in judicial custody. It will take time to present the challan as some SIT has been constituted.

In these given circumstances, I am of the view that no purpose will be served if the petitioner is detained behind the bars for any further period. Thus, without expressing any opinion on the merits of the case, this

bail on his furnishing personal/surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Pathankot., However, it is made clear that in future, if the petitioner is required for questioning by the SIT, then he should appear before the same as and when required to do so.

September 22, 2020
Paritosh Kumar

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No