

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33858-2020

DATE OF DECISION: NOVEMBER 3, 2020

SAHIL @ MUSLIM KHAN

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. PARVEEN SHARMA, ADVOCATE
FOR THE PETITIONER.

KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner Sahil @ Muslim Khan has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.131 dated 7.3.2020, under Section 420, 467, 468, 471 IPC and Section 61/1/14, Excise Act, 1914, Police Station Sadar Sonipat. The petitioner is in custody since his arrest on 7.3.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Sonapat in his order dated 22.10.2020, are as under:-

“ASI Sanjeev Kumar alongwith other police officials were on patrolling duty at ITI Chowk. In the meantime a secret information was received that Amit alias Meeta is involved in the business of selling illegal liquor and had taken a godown on rent and had kept the illicit liquor in that godown. Now they are loading the illicit liquor in truck No.HW-38W-1752 and ECO car No.HR-10AF-1175 and driver of the said truck is Sahil and driver of ECO

car is Surrender. Co-accused Vinay, Vicky, Vikas have also been selling the illicit liquor in Uttar Pradesh. If raid be conducted they could be apprehended with illegal liquor. On this information raid was conducted. Accused persons were apprehended while loading the liquor in truck No.HW-38W-1752 and ECO car No.HR-10AF-1175. On finding opportunity one person fled away from the spot. On asking the persons who were found present there disclosed their names as Sahil son of Munna Khan, Vicky son of Rajbir, Vikas son of Om Parkash and Vinay son of Randhir. The accused persons disclosed the name of person who fled away as Surrender son of Bhim Singh. On checking of car 27 boxes of halves make Royal blue and on checking truck 90 boxes of halves make Kareji Romio and on checking godown 672 boxes halves without label, 43 boxes of Old Mok XXX Rum on which for sale CSD only was written, 38 boxes of Balck Horse, 176 bottles without label, Six boxes of Heat XXX RUM, 10 Boxes containing halves make Miss India, 40 boxes of Tohfa, 12 boxes of Fighter and in one bag Label of Officer Choice.”

Learned counsel for the petitioner contends that the co-accused of the petitioner, namely, Vinay has already been granted regular bail by this Court, whereas the other co-accused have been released on bail by the trial Court. He submits that as the investigation of the case is complete and nothing has to be recovered from the petitioner, therefore, further custody of the petitioner may not be necessary. He submits that the trial of the case is likely to consume considerable time. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI

Naresh has opposed the aforesaid prayer on the ground that the petitioner was indulging in the smuggling of illicit liquor and was arrested from the spot. However, it is not disputed that the investigation of the case is complete.

After hearing learned counsel for the parties, this Court finds that the investigation of the case is complete. It is apparent that the trial is progressing at a slow pace. This Court is cognizant of the fact that the outbreak of global pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody 7.3.2020 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

November 3, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No