

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

214

=====

IN VIRTUAL COURT

=====

**CRM-M No. 35038 of 2020
Date of decision : 4.11.2020**

Malkeet Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Varinder Basa, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No. 130 dated 9.9.2020, registered under Section 61 of Excise Act, 1914, at Police Station Qila Lal Singh, District Gurdaspur.

It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the case of the police, the recovery in the present case is 20 bottles of liquor only. The petitioner has been in judicial custody for the past about two months. Therefore, the petitioner is not required for any investigation purposes.

Notice of motion.

Mr. Dhruv Dayal, Senior DAG, Punjab, accepts notice on behalf of the State.

It is submitted by the counsel for the State, being instructed by ASI Baljinder Singh, that the petitioner is a habitual offender. He is facing four

more case of similar nature. However, it is not disputed that the recovery in the present case is only 20 bottles of illicit liquor.

In response to the above argument of the counsel for the State, the counsel for the petitioner has submitted that all those cases were created by the police within past six months only. About some of the cases, the petitioner was not even aware earlier and he became aware of those cases only at the time when the present case was fabricated by the police. In any case, the petitioner is already on bail in all other cases. As of today, the petitioner is not in custody in any other case, except the present one.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

4.11.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No