

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37358-2020

DATE OF DECISION: NOVEMBER 17, 2020

SATYA DEVI @ MANNI	VERSUS	...PETITIONER
STATE OF PUNJAB		...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SACHIN OHRI, ADVOCATE FOR THE PETITIONER.
MR. M.S. NAGRA, AAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.122 dated 12.9.2020 under Section 61 Punjab Excise Act, 1914, Police Station Dorangla, District Gurdaspur. The petitioner is in custody since his arrest on 8.10.2020.

As per the allegations made in the FIR, when ASI Gurnam Singh alongwith other police officials was on patrolling duty from Police Station Dorangla towards village Gahlarhi, he received information that Satya Devi @ Manni wife of Mahinderpal is dealing in sale/purchase of illicit liquor, who has kept liquor in the backside of her house in a narrow street and is waiting for customers. If a raid is conducted, she can be apprehended with huge of quantity of illicit liquor. Acting upon the said information, a raid was conducted and Satya Devi was found standing with three plastic cans in the backside of her house in a narrow street. However, on seeing the police party, she ran away from the spot and 104 bottles of 750 ml each and a bottle of 570 ml of illicit liquor were recovered. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the alleged recovery of illicit liquor was effected from the backside of the house of the petitioner which is a narrow street. According to him, the recovery was made from an open place and therefore, it cannot be attached to the petitioner alone. He submits that the petitioner is in custody since her arrest on 8.10.2020 and therefore, her further custody may not be necessary. 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 Gurnam Singh has opposed the aforesaid prayer on the ground that the petitioner is involved in other similar cases. He has invited the attention of the Court to the paragraph 10 of the petition wherein the detail of other cases is mentioned.

Considering the above background and nature of the case, this Court finds that the petitioner is presently confined in judicial custody since 8.10.2020 and her further detention may not be necessary for any useful purpose. 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.

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 her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

November 17, 2020

Gulati

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No

(MANOJ BAJAJ)
JUDGE