

Sr.No.212

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

CRM-M-50827-2019

Date of decision:03.03.2020

Mangelal and another

... Petitioner(s)

versus

State of Haryana

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Devender Arya, Advocate
for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C for seeking regular bail in FIR No.840, dated 08.10.2019 for the offences punishable under Sections 420, 467, 468, 471, 120-B IPC 61.1.14, Excise Act, registered at Police Station City Bhiwani Sadar, District Bhiwani (Haryana).

Learned counsel for the petitioners has *inter alia* argued that in the present case, name of the petitioners have been wrongly roped in the present FIR which transpires from the very fact that in the present case, no independent witness joined at the time of arrest and false case had been planted upon the petitioners. Learned counsel for the petitioners has submitted that the investigation in the present case is already complete, challan has already been presented and even charged have been framed.

Per contra, learned State counsel on instructions from SI Rohtash Singh, states that huge quantity of liquor was recovered from the petitioner, therefore, he opposes the grant of regular bail to the petitioners.

Learned State counsel states that the petitioner is in custody since 08.10.2019 which is almost five months, investigation in the present case is already complete, charges have already been framed on 10.02.2020 and the matter is now fixed for prosecution evidence.

I have heard the learned counsel for the parties and perused the record of the present case which shows that the charges have already been framed and investigation is already complete and it is not a case of the respondent that in case the petitioners are released on bail then they may tamper with the evidence or influence any of the witnesses, especially in view of the fact that alleged recovery has already been made by the police in this case.

In view of the above, the present petition is allowed. After considering the totality of the circumstances of the case, this Court is of the considered opinion that it would be in the interest of justice, to admit the petitioners to bail. Petitioners are granted the concession of regular bail. They be released on regular bail subject to their furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant only for the purpose of decision of present petition.

3rd March, 2020
Shivani Kaushik

[JASGURPREET SINGH PURI]
JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*