

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 225

CRM-M-2248-2021

Date of decision : 21.01.2021

Amritpal Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.J.K.Singla, Advocate, for the petitioner.

Mr.Balbir Singh Sewak, Addl.A.G., Punjab.

DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.302 dated 15.12.2020, registered under Section 61 of Punjab Excise Act, 1914 at Police Station Bhikhi, district Mansa.

The petitioner is sought to be prosecuted for recovery of 20 litres and two bottles of illicit liquor as also a working still from his house.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated; he is in custody since 15.12.2020; he is not involved in any other criminal case; there is no recovery from the person of the petitioner and the same has been foisted upon him for *malafide* reasons; no further recovery is required to be made from him; report under Section 173 Cr.P.C. has already been filed therefore he is not in a position to influence the investigation and that the petitioner's trial, which is yet to commence, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that 20 litres and two bottles of illicit liquor as also a working still has been recovered from the petitioner's house.

Whether the petitioner has been falsely implicated in the present case would be considered/decided after his trial. However, he has already been in custody since 15.12.2020; he is not involved in any other criminal case; no recovery has been made from his person; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and his trial, which is yet to commence, is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Mansa the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

If the petitioner is found indulging in any criminal act or misusing the concession of bail granted by this Court, it would be open to the State to seek cancellation of bail granted through this order by filing an appropriate application before the competent Court/this Court.

21.01.2021

shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No