

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

211-D

CRM-M-4275-2021

Decided on : 05.04.2021

Anil Kumar

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Preetinder S. Ahluwalia, Advocate
for the petitioner(s).

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 221, dated 31.07.2020, under Sections 302, 304, 326, 328, 109, 120-B IPC, Section 61/63 of the Punjab Excise Act, 1914 and Section 06 of the Poison Act, 1919, registered at Police Station City Tarn Taran.

Learned counsel for the petitioner contends that the name of the petitioner was arrayed as an accused in the FIR in question during the interrogation, wherein, the co-accused, stated that they had been transporting the illicit liquor distilled by them in the tankers, which had been taken on rent from the petitioner. Learned counsel further submits that the petitioner is in the business of renting out tankers and hence he could not in any way be said to be connected with the crime in question.

Per contra, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner. He has, however, not been able to controvert the fact that no recovery of illicit liquor was effected from him. Learned State counsel has also not been able to controvert the factum of the petitioner running a business of tankers. Learned State counsel

has apprised the Court that the petitioner is involved in two other FIRs, however, the allegations in the other FIRs are also similar to the one in the case in hand that he had rented out his tankers to the co-accused, who in turn had transported the illicit liquor allegedly distilled by them. Learned State counsel has also conceded that no recovery of illicit liquor was effected from the petitioner.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner has been in custody since 09th September, 2020 and only challan has been presented till date, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

April 05, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*