

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

CRM-M-8108-2021 (O&M)

Date of Decision: 25.02.2021

Krishan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Raman Chawla, Advocate, for the petitioner.

Mr. Ramesh K. Ambavta, AAG, Haryana,
assisted by ASI Birbal.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.601 dated 21.12.2020 at Police Station City Fatehabad, District Fatehabad, under Sections 61/4/2020 of Excise Act and Sections 420/467/468/471 IPC.
2. The case of the prosecution is that on 21.12.2020, during the course of patrolling, the police received a secret information to the effect that a Canter was proceeding from the side of Bhattu carrying liquor illegally. Pursuant to receipt of said information, a Canter bearing registration No.HR47B-1227 was intercepted, which was being driven by Kuldeep Singh alongwith whom one Mohan Lal was also sitting. Upon checking of the Canter in question, recovery of 45 cartons of country-made liquor make

‘Malta’; 18 cartons of country-made liquor make ‘Malta Club’; 23 cartons of country-made liquor make ‘Sikandar Mahal’ and 12 cartons of country-made liquor make ‘Jagadhari’, were effected. It is further the case of the prosecution that during the course of interrogation, Kuldeep Singh and Mohan Lal disclosed that the Canter in question belongs to petitioner Krishan Kumar and that he had given an amount of Rs.4,46,500/- for purchasing the liquor in question from Mangal Singh. It is further the case of the prosecution that an amount of Rs.3,46,000/- was recovered from Mangal Singh, when he was arrested.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the petitioner was never ever apprehended at the spot.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named by co-accused Kuldeep Singh and Mohan Lal, who were arrested at the spot and from whose possession huge quantity of liquor was recovered, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 months and that challan already stands presented. It has also been informed that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was never apprehended at the spot and the role attributed to him by way of disclosure statement is that he had purchased the liquor in question through Mangal

Singh, which was being carried in a truck, which stands registered in his name.

7. Keeping in view the aforestated position, wherein the petitioner has already been behind bars since the last about 2 months and challan already stands presented, further detention of the petitioner will not serve any useful purpose particularly when the petitioner is not even stated to be involved in any other case. The petition as such is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

25.02.2021
Vimal

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