

CRM-M-12082-2021

Date of Decision : 25.03.2021

Mithu Khan

...Petitioner

Versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia**Present :** Mr. Parminder Singh Sekhon, Advocate for the petitioner.
Mr. Luvinder Sofat, AAG, Punjab.**B.S. Walia, J. (VC)**

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.96 dated 01.08.2018 registered under Section 61, Punjab Excise Act, 1914 at Police Station Amargarh District Sangrur.
3. Learned counsel contends that as per the FIR, secret information was received by ASI Bhupinder Singh on 01.08.2018 on the basis of which raid was conducted on the house of co accused Feroz Khan leading to the petitioner and co-accused allegedly fleeing from the spot and that upon breaking locks of the house, 984 bottles of country made liquor "desi santra" were recovered. Learned Counsel further contends that investigation, is complete as pursuant to arrest of the petitioner and co accused on 04.02.2021 after being declared proclaimed offenders, they were sent to judicial custody on 05.02.2021, therefore, no useful purpose would be served by keeping the petitioner in custody as the trial is yet to commence

4. Learned AAG, Punjab, confirms the correctness of the position as stated by learned counsel for the petitioner.

5. I have considered the submissions of learned counsel for the parties. Admittedly apart from the secret information leading to raid on the house of co accused Feroz Khan from where the petitioner and co-accused are alleged to have fled and from where 984 bottles of country made “desi santra” liquor was recovered, there is no other material to connect the petitioner with the commission of offence, nor there is no other case registered against the petitioner, besides on arrest of the petitioner on 04.02.2021 after his being declared proclaimed offender he was sent to judicial custody on 05.02.2021 on completion of investigation. In the circumstances, I am of the considered view that no useful purpose would be served by keeping the petitioner in custody as trial is yet to commence and the same is likely to take considerable time to conclude. Accordingly, the petition is allowed. Petitioner Mithu Khan is ordered to be released on regular bail during the pendency of the trial on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, provided he is not required in any other case. The petitioner shall also comply with the conditions contained in Section 437(3) Cr.P.C. However, nothing stated hereinabove, would be taken to be an expression of opinion qua the merits of the case.

(B.S. Walia)
Judge

March 25, 2021

‘Rajesh’