

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

**CRM-M-15170 of 2021 (O&M)
DATE OF DECISION :- May 25, 2021**

Gurdeep Singh @ Madda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Rajesh Kumar Kashyap, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

CRM No. 14933 of 2021

The case has been taken up through Video Conferencing.

This is an application for pre-poning the date of hearing of the main case fixed for 14.9.2021.

Heard.

Allowed. The main case is taken up today for hearing.

CRM-M-15170 of 2021

This petition for regular bail has been filed by petitioner Gurdeep Singh @ Madda son of Sh. Buggar Singh, aged about 45 years, resident of village Kusla, Tehsil Sardulgarh, District Mansa, an accused in F.I.R. No. 11 dated 3.3.2021, registered with Police Station Jaurkian, District Mansa for an offence under Sections 61/1/14 of the Excise Act, 1914.

Briefly stated the prosecution story is that on 3.3.2021, police from Police Station Jaurkian, District Mansa received a secret information that petitioner accused Gurdeep Singh @ Madda is in habit of keeping illicit

liquor/laahan in his fields and if a raid was conducted then recovery in heavy quantity could be effected.

On receipt of information, ruqa was sent to the police station. Formal F.I.R. was registered. A raid was conducted at agricultural land of petitioner accused Gurdeep Singh @ Madda. He was indulging in illicit distillation by working still. 30 Kgs laahan was also recovered from him which was taken into possession. He was accordingly arrested. The petitioner accused had filed an application for grant of regular bail before the Court of Sessions at Mansa, who vide order dated 23.3.2021 dismissed the same, as such he has approached this Court craving for grant of similar relief by filing the present petition, which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Though challan against the accused is said to have been filed but charge is yet to be framed. In that way, conclusion of trial is likely to take considerable time, more so when the working of the Courts has been restricted on account of second wave of Covid-19. The guilt of the accused shall be determined during the trial. The petitioner accused is in custody since 3.3.2021. On being asked, learned State counsel on instructions has informed that petitioner is not involved in any other criminal case.

Therefore, without going into the merits of the case, I find that the petition deserves to be accepted and it is hereby allowed. Petitioner Gurdeep Singh @ Madda is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Mansa subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the

prosecution witnesses.

- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.
- (iv) he shall not indulge in any criminal activity.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail. However, nothing discussed above shall have any bearing on the merits of the case.

(H.S. MADAAN)
JUDGE

May 25, 2021
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No