

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

204(3)

**CRM-M-16966-2021(O&M)
Decided on : 27.05.2021**

PARTAP SINGH VIRK

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)

PRESENT: Mr. H.S. Aujla, Advocate
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG Punjab
assisted by ASI Satnam Singh.

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 304, 328, 120-B of the IPC and Section 61 of the Punjab Excise Act (Sections 302, 326, 109 of the IPC; Section 63, 1 and 14 Punjab Excise Act and Section 6 of the Poison Act, added later on) registered at Police Station City Tarn Taran, District Tarn Taran.

Short reply by way of affidavit of Deputy Superintendent of Police, Sub Division Tarn Taran has been filed on behalf of the State. The same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand. He further submits that the petitioner was running a *dhaba* hence could not in any way be connected with the crime in question. It has been submitted that no recovery of any spurious liquor was effected from him or from his *dhaba*. He has further

submitted that the petitioner has been in custody since 09th September, 2020 and only challan has been presented till date, hence there is no likelihood of the trial concluding any time in the near future, thus, he may be extended the concession of bail.

Per contra, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner, on instructions from ASI Satnam Singh has reiterated the contents of the affidavit so filed. However he has not been able to controvert the factum of no recovery of any spurious liquor having been effected from the petitioner or from his *dhaba* which was being run by him.

Heard and perused all the material on record.

In view of the submissions made by learned counsel for the parties, 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

May 27, 2021

S.Sharma(syr)

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