

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 17349 of 2021 (O&M)

Date of decision : 29.6.2021

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Shashi

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Ramnish Puri, Advocate and
Mr. Rakesh Lathwal, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition for grant of regular bail, has been filed by petitioner – Shashi, aged about 45 years, wife of Rajender r/o Panchsheel Colony, Milton Road, Sonipat, an accused in FIR No.416 dated 4.11.2020, for the offences under Section 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill 2020) Section 420, 273, 467, 468, 471, 180 IPC, added later on) registered with Police Station Civil Lines, District Sonipat.

Briefly stated, facts of the case as per the prosecution story

are that, on 4.11.2020, the local police received a secret information that Raju s/o Rajender, resident of Panchsheel Colony, Sonipat (son of the present petitioner – Shashi) was indulging in sale of illicit liquor. Accordingly, a raid was conducted at his residential house. Raju was apprehended and search of his residential house revealed 9 bottles of country made liquor mark – orange rangila, 10 small bottles and 4 nips of that very country made liquor, besides cash of Rs. 14,51,900/-. Raju could not render any explanation for possession of the huge quantity of liquor and cash. The same was accordingly seized. Raju was arrested in this case. His mother, Shashi – present petitioner, was also arrested on 5.11.2020. The investigation revealed that she alongwith her son Raju was engaged in unauthorized sale of country made liquor as well as spurious liquor, the latter being dangerous to human consumption. It also transpired that Raju and her mother used to put fake holograms and lables of NV Distilleries Company Limited, Bhadoli, District Ambala upon the bottles of illicit spurious liquor.

The petitioner had filed an application regular bail before the Court of Sessions at Sonipat. However, it was dismissed by learned Sessions Judge, Sonipat vide order dated 21.1.2021, as such she has approached this Court craving for grant of similar relief, which request is being opposed by the State counsel.

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

Learned counsel for the petitioner has contended that the petitioner is a simple woman, having nothing to do with storage and

sale of illicit/spurious liquor and she has been involved in this case simply for the reason of being mother of Raju. He has further contended that though the petitioner was involved in four more criminal cases, but she has been acquitted in all such cases and this fact has been admitted by the State in the reply filed by it. He has prayed that the petitioner be granted regular bail.

Though learned State counsel has opposed the request tooth and nail, however, I find that guilt of the accused shall be determined during the trial and on account of Covid-19 situation, the functioning of the Courts has been affected. In that way, some time is likely to be taken for conclusion of the trial. Although the petitioner is said to have been booked in several criminal cases, but admittedly she has been acquitted in all such cases.

Under the circumstances, without going into the merits of the case, I find it proper and appropriate to grant the benefit of regular bail to the petitioner.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail on her furnishing personal bonds and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Sonipat, subject to the following conditions:-

- (i) she shall appear in the Court on each and every date of hearing;
- (ii) she shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) she shall not leave India without prior permission of the

Court and shall surrender her passport, if she has got one,
otherwise to furnish affidavit in that regard.

If she violates any of the above conditions, this order
granting regular bail to her shall be liable to be withdrawn.

However, nothing discussed above shall have any bearing on
the merits of the case.

29.6.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No