

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-21867-2021

Date of Decision: 09.06.2021

Jasvir Singh @ Jassa

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. P. S. Hundal,, Senior Advocate assisted by  
Mr. Prashant Mahajan, Advocate, for the petitioner.

Mr. H.S. Multani, Assistant Advocate General, Punjab.

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**Through Video Conferencing**

**JASGURPREET SINGH PURI, J. (Oral)**

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in case bearing FIR No. 180 dated 18.12.2020, under Section 420,465,467, 468,471, 120-B IPC of the Indian Penal Code, 1980 and Section 61/1/14 Excise Act, registered at Police Station Shambhu, Patiala.

The learned Senior Counsel has submitted that the petitioner has been falsely implicated in the present case. He submitted that the petitioner has neither been named in the FIR nor any recovery has been made from the petitioner and it was only on the basis of disclosure statement of a co-accused namely Gurmeet Singh alias Ghora that the petitioner was nominated and thereafter, he was arrested on 06.04.2021. He has submitted that the alleged recovery was of 14 bottles of spurious

whiskey from one Krishan Kumar and the said Krishan Kumar has already been granted bail by this Court on 22.02.2021 in Criminal Miscellaneous No. 3979 of 2021. The learned counsel submitted that the petitioner has been victim of political enmity in the village and the police had taken undue advantage of the earlier FIRs which were lodged against the petitioner and had falsely implicated the petitioner in the present case. While referring to the earlier FIRs which have been discussed in the order passed by learned Additional Sessions Judge while declining regular bail to the petitioner, the learned Senior Counsel has submitted that in most of those cases the petitioner has already been acquitted and in the remaining cases he is either on bail or the trial is pending. He has submitted that the petitioner is in custody since 06.04.2021 and the person from whom the recovery was allegedly made was already granted bail and, therefore he may be considered for grant of bail in the present case.

On the other hand, Mr. H.S. Multani, learned State counsel has not disputed the custody period of the petitioner and he has also not disputed that the recovery was made from one Krishan Kumar who has been granted bail by this Court. The learned State counsel has also not disputed that no recovery was made from the petitioner in the present case and he was nominated on the basis of disclosure statement of a co-accused. So far as the other cases against the petitioner are concerned, the learned State counsel has also not disputed the status of those cases as stated by the learned Senior Counsel.

I have heard the learned counsel for the parties.

The custody period of the petitioner is not in dispute. It is also not in dispute that the petitioner was not named in the FIR and he was

nominated later on on the basis of a disclosure statement of a co-accused. It is also not disputed that no recovery was made from the petitioner and infact the recovery was made from one of the co-accused namely Krishan Kumar, who has already been granted bail by a Co-ordinate Bench of this Court as per the learned counsel for the petitioner and the State. Regarding other cases which were filed against the petitioner, the petitioner has already been acquitted in most of the cases and in the remaining cases either he is on bail or the trial is pending and in those cases the petitioner is on bail. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may tamper with any evidence or may flee from justice or may influence any of the witnesses.

Therefore, without commenting on the merit of the case and considering the totality of circumstances in the present case, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/CJM, Patiala/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

**09.06.2021**

rakesh

**(JASGURPREET SINGH PURI)  
JUDGE**

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|--------------------|---|--------|
| Whether speaking   | : | Yes/No |
| Whether reportable | : | Yes/No |