

CRM-M-22030-2021

Date of Decision: 07.07.2021

Vinod Kumar alias Benam

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.2

2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.95 dated 01.03.2021, registered under Sections 24-A, 52-A, 63-A, 72-A, Punjab Excise Act, 61(3)(15A)(A) of the Haryana Amendment Act, 2020 and Sections 420, 467, 468, 470, 471, 474 of IPC, 1860, at Police Station Dabua, District Faridabad.

3. Learned counsel contends that Tilak Raj Verma, and co-accused, Gian Singh were arrested on 01.03.2021 and 12 cartons containing nips of spurious liquor make Officer Choice Blue, 720 fake holograms (Haryana Excise), 190 red plastic caps and 1240 blue plastic caps, 70 empty cartons of Officer Choice Blue, 1160 fake labels which

were to be pasted on front and back side of the bottles, 385 fake labels, which were to be pasted on the halves of spurious liquor, four bags of empty nips, two bags of empty halves, one plastic tank of white colour containing spirit, two liters of plastic bottle containing noxious substance and one machine for sealing caps, were recovered whereafter said accused made a disclosure statement implicating the petitioner and apart from the disclosure statement, there is no other material to connect the petitioner with the commission of the offence nor has any recovery been made from the petitioner nor the petitioner is involved in any other case. Learned counsel contends that implication of the petitioner solely on the basis of disclosure statement without there being any corroborative material is legally unsustainable, the petitioner is in custody since 05.03.2021, challan has been presented, though charges are yet to be framed, trial is likely to take a long time to conclude, therefore, no useful purpose would be served by keeping the petitioner in custody.

4. Learned DAG, Haryana, on instructions from ASI, Tusha Kant, confirms that apart from the arrest of the co-accused, recovery of the incriminating material only from the co-accused and the disclosure statement made by the co-accused, there is no other material to connect the petitioner with the commission of offence nor was any recovery made from the petitioner nor the petitioner is involved in any other case.

5. I have considered the submissions of learned counsel for the parties.

6. Admittedly, the petitioner has been implicated in the instant

case solely on the basis of disclosure statement and apart from the disclosure statement there is no other material to connect the petitioner with the commission of offence nor has any recovery been made from the petitioner nor is the petitioner involved in any other case, besides challan has been presented though the charges are yet to be framed, therefore, trial is likely to take long time to conclude.

7. Accordingly, in the light of position noted above but without commenting upon the merits of the case, the petition for regular bail is allowed and the petitioner is ordered to be released on regular bail during the pendency of the trial, subject to his furnishing bail/surety bonds to the satisfaction of the learned CJM/Trial Court/Duty Magistrate, concerned, provided he is not required in any other case. The petitioner shall also abide by the conditions contained in Section 437(3) Cr.P.C.

8. However, nothing stated hereinabove shall be taken as an expression of opinion on the merits of the case. It is further made clear that in the eventuality of the petitioner being involved in any other similar case during the period while he is on bail in the instant case, the prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner in the instant case.

(B.S. Walia)
Judge

07.07.2021.
'Rajesh'

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No