

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

**(105)**

**CRM No. M-23278 of 2021  
Date of Decision : 17.06.2021**

**Nanak Singh**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**(through video conferencing)**

***CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present: Mr. Viranjeet Singh Mahal, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.  
(keeping in view advance copy given)

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**Harsimran Singh Sethi J. (Oral)**

After arguing for some time, learned counsel for the petitioner prays that he be allowed to withdraw this petition.

Ordered accordingly.

While arguing for petitioner, learned counsel brought to the notice of this Court the order granting regular bail to co-accused, namely, Krishan Singh, by the Judicial Magistrate Ist Class, Sardulgarh vide order dated 01.06.2021.

Reasons given by the Judicial Magistrate Ist Class, Sardulgarh while extending the bail to co-accused Krishan Singh vide order dated 01.06.2021, prima-facie, are without any application of mind. Prima-facie, the sensitivity of the allegation has not been taken into account by the Judicial Magistrate Ist Class, Sardulgarh while passing the order dated

01.06.2021, wherein the reason given for granting the bail is that keeping the accused behind the bars will be a burden on the State Exchequer, which prima-facie, cannot be a ground to grant bail to accused. Further, the custody period of 7 days, is being treated enough to grant the bail and that too ignoring the fact that the investigation was still in progress and the co-accused was yet to be arrested, which can hamper investigation. Order dated 01.06.2021, prima-facie, shows casualness of the Officer concerned in passing the judicial order, by completely ignoring the objection raised by the State.

The present is the case where illicit liquor was ceased, which is hazardous to human health and its consumption has led to deaths many times in the past and the seriousness of the allegation has been ignored by the Judicial Magistrate Ist Class, Sardulgarh while passing order dated 01.06.2021.

Though, the petition has been withdrawn, still the explanation of the Judicial Magistrate Ist Class, Sardulgarh, who has passed the order dated 01.06.2021 granting bail to co-accused Krishan Singh, be sought and be placed before this Court by 30.06.2021. The factum of passing of this order be also brought to the notice of the learned Administrative Judge as well.

**June 17, 2021**  
*kanchan*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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