

In virtual Court

CRM-M-24143-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24143-2021 (O&M)
Date of decision: 01.07.2021

Dilbag

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rakesh Nehra, Sr. Advocate with
Mr. Atul Ravish, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.126 dated 15.05.2021 under Section 51 of Disaster Management Act, 2005, Sections 120-B, 188, 420, 467, 468, 471 IPC and Section 61 of The Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), registered at Police Station Sadar Bahadurgarh, District Jhajjar.

Learned senior counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of SI Jai Bhagwan, on receiving a secret information that a liquor vend is open in the village, where liquor is being sold illegally despite the lockdown imposed due to COVID-19 situation

in the country, an information was sent to the Excise Department as well as local police. Thereafter, a raiding party including the officials of Excise Department and Police Department raided the liquor vend, where two workers were present. On inquiry, they disclosed their names as Dilbag (petitioner) and one Sonu Mishra. On further inquiry, they disclosed that liquor vend belongs to one Rakesh son of Ran Singh. It is further stated that Chand son of Wazir Singh is deputed as Manager on the liquor vend. During checking of the liquor vend, some cash amount was recovered and it was informed that some amount was recovered by selling the liquor at the liquor vend, whereas some amount was recovered by delivering the liquor in the nearby area as well as in Delhi. Most of the time, the liquor was sold from the backside of the liquor vend. On checking of the stock, 271 bottles of Moonwalk brand, 42 half, 26 quarters were recovered and it was found that same were not approved by the Haryana Govt.

Learned senior counsel for the petitioner has argued that the petitioner is an old man aged about 69 years and is suffering from age related health problems. It is further submitted that the petitioner was only working as Waiter in the liquor vend and he is neither the owner nor Manager of the vend and because of his employment as Waiter, he was present at the spot and was arrested. It is also submitted that one of the co-accused Hawa Singh has already been released on bail by the trial Court vide order dated 15.05.2021.

Learned State counsel has filed the custody certificate dated 30.06.2021 in the Court today. As per this custody certificate, the petitioner is in custody for the last 01 month and 16 days and is not involved in any other

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case.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case and also in view of the fact that the petitioner is an old man aged about 69 years and is not involved in any other case and was also not involved in the management of the liquor vend in any manner, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

01.07.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No