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

**CRM-M No.24550 of 2021(O&M)
Date of Decision: 05.07.2021**

Jaspal Singh @ Killi

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.45 dated 14.04.2021 registered under Section 61 of the Punjab Excise Act at Police Station Mehatpur, District Jalandhar Rural.

The FIR was registered on the basis of secret information that the petitioner was selling country-made liquor. 6 plastic tubes and 4 cans were recovered from the room. Tub and empty bottles were arranged at the spot. Tubes were

poured in the tub and thereafter, sampling was done. Samples of liquor measuring 180 ML each were taken from the tub in quarters. Total 6 samples were drawn and rest of the liquor was put in same tubes. Each tube contained 99 bottles measuring 750 ML each and one bottle measuring 570 ML.

Learned counsel for the petitioner submits that despite the secret information having been made for registration of FIR, mandatory compliance of Section 100(4) Cr.P.C. has not been done. 10 samples of 180 MLs each were extracted and Chemical Examiner's Report is still awaited. Petitioner is being prosecuted for 1800 ML i.e. 10 samples X 180 ML each. Under Section 72 of the Excise Act, the offence would be bailable being less than 10 bottles of 750 ML each. Learned counsel further submits that the arrangement of 1000 empty bottles at the spot in the given time span would also attract the attention of the Court. Petitioner is in custody since 14.04.2021. Challan has been presented on 07.06.2021. The trial of the case may take some time in its culmination.

Learned State counsel, however, on instructions from ASI Satpal opposed the bail on the ground that huge illicit liquor has been recovered from the house of the petitioner and the petitioner is also involved in five other cases including two convictions.

Learned counsel for the petitioner submits that in FIR No.102 dated 30.06.2016 under Section 21 of the NDPS Act, petitioner has already completed the sentence of one month for possessing 10 grams of heroin and in other cases, he is on bail.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail without advertng to the merits of the case

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

05.07.2021

Aman/Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No