

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.24931 of 2021
Date of Decision: July 07, 2021

Sunny & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vinod K. Kaushal, Advocate,
for the petitioners.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioners have filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.188 dated 26.05.2021, under Section 61 Punjab Excise Act, 1914, registered at Police Station, Ajnala, Amritsar Rural, District Amritsar. The petitioners are in custody since their arrest on 26.05.2021.

As per the FIR, on 26.05.2021 the accused persons were apprehended by the police party while distilling the illicit liquor with the help of working still and recovery of 150 kgs. lahan and 11250 ML illicit liquor was made from their possession.

Learned counsel for the petitioners contends that the petitioners are not involved in any other case, much less of similar nature and as the trial is likely to consume considerable time to conclude, therefore, the further custody of the petitioners may not be necessary. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Baljit Singh. He has referred to the custody certificate of the petitioners by way of affidavit of Hemant Sharma, PPS, Deputy Superintendent, Central Jail, Amritsar and contends that the petitioners are not involved in any other case.

After hearing the learned counsel for the parties, this Court finds that the trial is yet to commence and as the petitioners are not involved in any other case, therefore, considering their period of custody, this Court is of the opinion the further custody of the petitioners, who are presently confined in judicial custody after their arrest on 26.05.2021, behind the bars may not be necessary, particularly when the prosecution witnesses are the police officials and there is no possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Amritsar.

July 07, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No