

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

219

CRM-M-25776-2021

Date of decision: 27.10.2021

Ankit Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vikram Singh, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail to the petitioner in case FIR No.528 dated 05.11.2020 lodged under Sections 272, 420, 467, 468 and 471 of the Indian Penal Code, 1860 and Section 61 of the Punjab Excise Act, 1914 registered at Police Station Kharkhoda, District Sonapat.

On a pointed query put to learned counsel for the petitioner as to what was change in circumstances subsequent to the withdrawal of the previous petition on 01.04.2021, he has apprised that charges stand framed on 22.09.2021.

Learned counsel for the petitioner submits that the petitioner has been in custody since 05.11.2020 for offences which are triable by Magistrate. Since final report under Section 173 of the Cr.P.C. has been presented in the Court, his further incarceration would not serve any useful purpose. It has also been submitted that co-accused Mohit has since been extended the concession of bail vide order dated 04.03.2021 (Annexure P-1) by this Court, he too be extended the

concession of bail as he is not involved in any criminal case much less of similar nature.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Ravinder, has submitted that recovery of 38 bags of plastic containing 8892 empty quarters, a machine for packing caps, a bag of caps, 1560 labels of holograms, two empty plastic cans, a bucket of plastic, 27 labels of *Masaledar* country made liquor, 580 labels of GRP times a rare blend of premium grain ena metro country liquor (for sale in Haryana only), 395 quarters of illicit liquor make 'ADS Santra' was effected from the petitioner in pursuance to a secret information received by the police. On a query put to the State counsel, she has conceded that the petitioner is not involved in any other case of similar nature.

I have heard learned counsel for the parties and perused the material on record.

In view of the facts and circumstances as enumerated hereinabove, the present petition is allowed as the trial is unlikely to conclude in the near future. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

27.10.2021

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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