

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

CRM-M-26654-2021

Date of Decision : 04.10.2021

Rajpal

...petitioner

versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sandeep Kotla, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

AVNEESH JHINGAN, JUDGE (ORAL)

This is a petition seeking regular bail under Section 439 Cr.P.C. in case FIR No.57 dated 04.02.2020 under Sections 420, 467, 468, 471 of IPC and Section 61 of the Punjab Excise Act, 1914 (as applicable to Haryana), registered at Police Station Sadar Tauru, District Mewat.

As per the case set up on 4th of February, 2020, police acting on a secret information, checked truck bearing registration No. HR56-4480. The incharge of the vehicle produced the invoice and billty with regard to the lime powder. On Checking, 1010 boxes of illicit liquor were recovered. The vehicle was driven by Gurmeet. During the investigation it revealed that the truck was owned by Rajpal-petitioner.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot. No recovery was made from him, he owned the truck but was not aware about misdeed of his driver. He further argued that the petitioner is in custody since 12th March 2021. Investigation is complete.

No recovery is to be made.

Learned counsel for the State opposes the prayer for grant of regular bail. She submits that the petitioner is involved in another case registered in Bihar. She on instructions submits that the challan stands presented.

Learned counsel for the petitioner submits that there was no recovery made from the petitioner in the FIR being relied upon by the State counsel. The name of the petitioner surfaced during the investigation as he was owner of the truck.

Considering the custody period, and the fact that no recovery was made from petitioner, investigation is complete and conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

4th October 2021

Manju

(AVNEESH JHINGAN)
JUDGE

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