

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

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CRM-M-26956-2021

Date of decision: 22.07.2021

Satnam Singh @ Satpal Singh @ Sattu Nihang

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Bipan Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.154 dated 11.06.2020 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Shahkot, District Jalandhar Rural.

Briefly stated, the facts relevant for disposal of the present case are that on 11.06.2020 secret information was received by police party headed by ASI Balwinder Singh that Satnam Singh @ Satpal Singh @ Sattu Nihang (the petitioner) and his maternal nephews Jinder and Babbi were distilling illicit liquor at the banks of river Sutlej. The above said FIR was registered on the basis of secret information. Raid was accordingly conducted. All the three above named persons, who

were identified by HC Sukhwinder Singh and S/CT Harish Kumar, allegedly escaped from the spot on seeing the police party. Two iron drums, working stills, six tarpaulin plastic containing 500 litres of lahan and one rubber tube containing illicit liquor were recovered. Sample of illicit liquor was taken and the same was measured which equalled to 49 bottles with 750 Mls each. Lahan was destroyed. Samples and bottles of illicit liquor were taken into possession. During investigation, Paramjit Singh @ Babbi and Jinder were found to be innocent as they were in custody in Central Jail, Faridkot in case FIR No.354 dated 13.12.2014 registered under Sections 307, 326, 323, 148 and 149 of the Indian Penal Code, 1860 at Police Station Dharamkot, District Moga. The petitioner was arrested on 09.04.2021 and on completion of investigation charge-sheet was filed against him.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State. However, no reply has been filed by the respondent-State.

Custody certificate has been filed by the learned State Counsel through e-mail print out of which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner was not present at the spot alone or along with his maternal nephews Jinder and Babbi. As per the prosecution version, the petitioner was present on the spot at the time of alleged raid by the police party and escaped from the spot along with his maternal nephews

Jinder and Babbi who are stated to have been identified by HC Sukhwinder Singh and S/CT Harish Kumar but on investigation Jinder and Babbi were found to be innocent as they were already in Central Jail, Faridkot in some other case which makes the case of prosecution highly doubtful. The petitioner has been falsely implicated in the case and recovery has been falsely planted on him. The land where the working stills were operated does not belong to the petitioner. The trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioner is a habitual offender who is involved in 14 other cases under the Punjab Excise Act, 1914 and one case under the Narcotic Drugs and Psychotropic Substances Act, 1985. In view of the nature of accusation and gravity of the offence, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

The mere fact that the petitioner is involved in other cases under the Punjab Excise Act, 1914 and also one case under the Narcotic Drugs and Psychotropic Substances Act, 1985 does not by itself debar the petitioner to grant of regular bail entitlement for which has also to be considered in view of the material facts and circumstances of the present case.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, particularly the fact that the petitioner was not apprehended on the spot and is alleged

to have escaped from the spot along with his maternal nephews Jinder and Babbi who were subsequently found to be innocent as they were already in custody which makes prosecution version highly doubtful and also the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any similar offence after his release on bail and in case of commission of any similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed by the prosecution in this regard.

22.07.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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