

CRM-M-28715-2021

Date of Decision:20.09.2021

Lakhvir Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CRM-M-31041-2021

Rinku

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Hitesh Verma, Advocate,
for the petitioner in CRM-M-28715-2021

Mr. P.S.Sekhon, Advocate,
for the petitioner in CRM-M-31041-2021

Mr. H.S.Multani, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

By these petitions, the petitioners seek the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.69, dated 16.06.2021, having been registered at Police Station Barnala, District Barnala, alleging therein the commission of offences punishable under the provisions of Sections 61/78(2) of the Punjab Excise Act, 1914.

Learned counsel for the petitioner in CRM-M-28715-2021 submit that those who were apprehended at the spot allegedly with 480 bottles of liquor, were admitted to bail by the trial court itself, but with the petitioners' petition having been dismissed only on the ground that there were other such cases registered against him. He however submits that the

petitioner has been arraigned as an accused only on an alleged disclosure statement made by his co-accused in police custody and thereafter 40 boxes of country made liquor having alleged to have been recovered from him, without any independent witnesses present; and further, the matter already having gone to court, it being a magisterial trial with a maximum 3 year sentence imposable, the petitioner deserves to be admitted to bail.

The reply filed on behalf of the respondent State (dated 27.08.2021) is ordered to be taken on record.

Learned counsel for the petitioner in CRM-M-31041-2021 also submits that the petitioner was arraigned only on an alleged disclosure statement made by those who were allegedly apprehended at the spot, with only 13 bottles of country made liquor subsequently shown to be recovered from him.

Keeping in view the above, without making any comment on the actual merits of the case, these petitions are allowed, with the petitioners ordered to be admitted to bail, upon them furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

(A photocopy of this order be placed on the files of the each case).

September 20, 2021
dharamvir

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES
Whether Reportable : NO