

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

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CRM-M-36417-2021

Date of Decision : November 29, 2021

HARMOHAN SINGH @ RINKU

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. S.K.Singla, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.121 dated 4.7.2021 under Section 61/1/14 of Punjab Excise Act, 1914 and Sections 420/468/471/120-B IPC, Police Station Sahnewal, District Police Commissionerate, Ludhiana.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 7.7.2021 which is almost four months and the investigation of the case is already complete and the challan stands presented before the competent Court under Section 173 Cr.P.C. He submitted that there was no role of the petitioner in the alleged recovery of liquor. He submitted that in fact the petitioner is the owner of the godown which was rented to other co-accused, namely, Karamjit Singh @ Sanju Mehra and Jagwant Singh @ Jagga vide Annexure P-2 on

3.5.2021 and he was neither in the possession of the godown nor he had to do anything as he had already rented the godown to the aforesaid two persons and the present FIR has been lodged on 4.7.2021 after the renting of the premises to them. He further submitted that his name has been nominated only on the ground that he is the owner of the godown and he is facing incarceration only because of this reason. He submitted that the petitioner is also medically unfit as he has to undergo surgery of his neck because of fracture on the right shoulder and he is suffering from chronic liver disease. Learned counsel also referred to the short reply filed by the Superintendent, Central Jail, Ludhiana alongwith the medical certificate of DMCH, Ludhiana dated 24.9.2021 which shows that the petitioner is still admitted in the hospital and that the surgery could not be performed because of the multiple medical complication. He further submitted that the petitioner has clean antecedents and he is not involved in any other case and no recovery is to be effected from the petitioner and since the trial of the case would take long time, he may be granted the concession of regular bail.

On the other hand, the learned Deputy Advocate General, Punjab has filed the custody certificate which shows that the petitioner is in custody for more than 4 months and as per the custody certificate, the petitioner is not involved in any other case. He further submitted that the petitioner was also found on the spot and was arrested.

I have heard the learned counsels for the parties.

The petitioner is in custody for more than 4 months and 20 days and the investigation of the case is already complete and the challan

stands presented before the competent Court. No recovery is to be effected from the petitioner and as per Annexure P-2, the petitioner had rented the premises to the other co-accused. The argument raised by learned State counsel that the petitioner was arrested on the spot is also a debatable issue. So far as the medical condition of the petitioner is concerned, the State itself has filed a short affidavit alongwith the medical certificate which shows that the petitioner is required to be operated upon for fracture near the neck and he is also suffering from chronic liver disease. As per the custody certificate the petitioner is not involved in any other case. The trial of the case would take long time since the challan has been presented in the month of September 2021. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the facts and circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

November 29, 2021

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No