

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

212

CRM-M-37560-2021

Date of Decision : September 17, 2021

INDERJEET SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Bipan Ghai, Sr. Advocate withdraw
Mr. Prabhdeep Singh Bindra, Advocate
for the petitioner.

Mr. Karambir Singh, Asstt. A.G., Punjab

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.180 dated 18.12.2020 under Sections 420, 465, 467, 468, 471, 120-B IPC and Section 61 of the Punjab Excise Act registered at Police Station Shambu, District Patiala.

Mr. Ghai, learned Sr. Advocate with Mr. Prabhdeep Singh Bindra, Advocate has submitted that in the present case the petitioner was falsely implicated. He submitted that although the name of the petitioner has been mentioned in the FIR but neither any recovery was made from the petitioner nor the petitioner was on the spot where the recovery was made from the co-accused, namely, Krishan Kumar. He submitted that the petitioner was arrested afterwards and the alleged recovery was of 14 bottles of spurious whisky from one Krishan Kumar and he has already

been granted bail by this Court on 22.02.2021 in CRM-M-3979 of 2021. He further submitted that it is a case where the FIR was lodged against the petitioner due to enmity in the village and the petitioner has been falsely implicated. He further submitted that the learned Additional Sessions Judge, Patiala while declining the regular bail to the petitioner had referred to eight FIRs against the petitioner and the details of these FIRs have been mentioned in para 10 of the present petition. Out of these eight FIRs as mentioned in the order of the learned Additional Sessions Judge, Patiala, one FIR does not exist and one FIR is against some unknown person and the petitioner is not accused in that case. In three FIRs, the petitioner has already been acquitted and in one FIR, the police itself has prepared a cancellation report and in the remaining two FIRs the petitioner is already on bail. He submitted that the series of FIRs were the result of political enmity and no recovery has been effected from the petitioner in the present case. He submitted that the other co-accused, namely, Krishan Kumar, who has been granted bail was the person from whom the alleged recovery of liquor was confiscated and, therefore, the petitioner may be considered for the grant of regular bail. He has further submitted that another co-accused namely Jasvir Singh @ Jassa has also been granted bail by this Court vide Annexure P-4. He has submitted that the petitioner is in custody since two months and one day as per the custody certificate filed by the State.

On the other hand, Mr. Karambir Singh, learned Asstt. A.G. Punjab has submitted that so far as the custody period is concerned, there is no dispute regarding the same and it is also not in dispute that the

recovery was not effected from the petitioner and it was effected from the co-accused Krishan Kumar, who has already been granted bail by a Coordinate Bench of this Court. So far as the details of the FIRs is concerned, he has submitted that as per the custody certificate, which is filed in the Court today, only two cases against the petitioner have been shown and in both the cases he is already on bail and has, therefore, opposed the grant of bail to the petitioner.

I have heard the learned counsels for the parties.

The custody period of the petitioner is not in dispute. It is also not disputed by the learned State counsel that no recovery was effected from the petitioner but the same was effected from co-accused, namely, Krishan Kumar, who has already been granted bail by a Coordinate Bench of this Court. So far as the involvement of the petitioner in other cases is concerned, it is also not disputed by the learned State counsel that in most of the cases he has been acquitted and in one case there is a cancellation report prepared by the police and in other cases the petitioner is on bail. Another co-accused, namely, Jasvir Singh @ Jassa has also been granted bail by the Coordinate Bench of this Court. In the aforesaid facts and circumstances of the case, it has to be seen by the Court as to whether in case the petitioner is released on bail then whether there is any likelihood that he may repeat the offence or may influence the witnesses or may tamper with the evidence or may flee from justice. On a specific query being put to the learned State counsel as to whether there is any sufficient material available to say that there is any likelihood of the petitioner to influence the witnesses or tampering

with the evidence but the learned State counsel has not been able to answer the same. He has only submitted that the case is at investigation stage. Therefore, there is neither anything on the record nor it is the submission of the learned State counsel that in case the petitioner is released on bail then he may repeat the offence or he may tamper with the evidence or may influence the witnesses or may flee from justice.

Therefore, considering the totality of the facts and circumstances of the present case, I deem it fit and proper to grant regular bail to the petitioner.

Consequently, 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.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

September 17, 2021
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No