

CRM-M-37888-2021

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

CRM-M-37888-2021.
Date of Decision:-20.09.2021.

Sandeep alias Chhitiyae

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Lalit Kumar, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.83 dated 20.02.2021 under Sections 420, 467, 468, 471, 120-B IPC and Sections 61/01/14 of the Punjab Excise Act, 1914, registered at Police Station Rai, District Sonipat.

Learned counsel for the petitioner has submitted that in this case, the alleged recovery is that of bottles of Imperial Blue which are not spurious and as per the prosecution case, these have been seized on the ground that the same were meant for sale in U.T., Chandigarh and not for sale in Haryana, whereas, the recovery has been made from Sonipat, Haryana. Learned counsel for the petitioner has further submitted that no recovery has been made from the petitioner and he has been custody since

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07.03.2021 and the challan has been presented and there are as many as 15 prosecution witnesses out of which none have been examined and in fact even the charges have not been framed as yet. It is further submitted that nothing more is to be recovered from the petitioner and the petitioner is not involved in any other case.

Learned State counsel, on the other hand, has opposed the bail application and on instructions from SI Naresh Kumar, has submitted that a large number of bottles have been recovered from Satish (co-accused) but however, could not dispute the other factual averments made by learned counsel for the petitioner.

Learned counsel for the petitioner in rebuttal, has submitted that the co-accused of the petitioner, Satish from whom recovery had been made has already been granted the benefit of regular bail vide order dated 16.09.2021 passed in CRM-M-13654-2021.

This Court has heard the learned counsel for the parties.

Keeping in view the above-said facts and circumstances and also the fact that the liquor which has been recovered from the co-accused of the petitioner i.e., Satish, as per the prosecution case, is not spurious and the petitioner has been in custody since 07.03.2021 and the challan has already been presented and out of the 15 prosecution witnesses, none have been examined and also the fact that the petitioner is not involved in any other case and that the co-accused of the petitioner i.e., Satish has already been released on bail, the present petition deserves to be allowed.

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

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the Trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

September 20, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No