

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

CRM-M-39400-2020 (O&M)

Date of decision: 08.02.2021

Uttam Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Reply and custody certificate filed by State counsel be taken on record.

This petition for regular bail has been filed by petitioner Uttam Singh, aged about 28 years, an accused in FIR No.117 dated 27.06.2020, for offences under Sections 61 and 78 of the Punjab Excise Act and Sections 177, 181 and 192 of the Motor Vehicles Act, registered with Police Station Goraya, District Jalandhar.

Briefly stated the prosecution story is that, on 27.06.2020, a police party headed by SI Labh Singh while being present at Chachrari highway road opposite petrol pump in the area of Police Station Goraya and carrying out checking of the vehicles, had intercepted a vehicle make Endeavour bearing registration No.PB11-P-2424, black in colour; the

said vehicle was being driver by Sarwan Singh @ Kala son of Kansa Singh, whereas the present petitioner was also sitting therein; search of the vehicle revealed that 15 plastic cans of spirit alcohol, each weighing 35 liters were being carried therein, total quantity of the spirit alcohol came out to be 525 liters; both the accused were arrested; the vehicle in question along with plastic can containing spirit alcohol were seized; formal FIR was registered; investigation in the matter got commenced.

The petitioner had moved a petition for regular bail before Court of Sessions at Jalandhar, which was assigned to Addl. Sessions Judge, Jalandhar, who, vide order dated 21.07.2020, dismissed the same. As such, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that the petitioner has not committed any offence; the co-accused of the present petitioner, namely Sarwan Singh @ Kala, who was allegedly driving the vehicle in question at the relevant time as well as Sonu Singh, whose name had cropped up as a culprit during investigation of the case, have been granted regular bail by this Court, while disposing of petition bearing CRM-M-22128-2020 on 06.11.2020, copy of that order being available on record as Annexure P-1. He has further contended that the petitioner does not have any past criminal record; the investigation in the case is complete and the challan has been filed, though, its completion is likely to take some time, therefore, the petitioner be granted regular bail.

Though, the prayer is being opposed by the State counsel but he on instructions from SI Lakhwinder Singh, concedes this fact that the petitioner is not involved in any other criminal case.

After hearing the rival contentions and keeping in view the facts and circumstances of the case as well as taking into consideration the fact that two of the co-accused of the petitioner have been granted regular bail; the conclusion of trial is likely to take some time and that the petitioner is not shown to be involved in any other criminal case, I am of the view that the petition deserves to be accepted. Accordingly, the same is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Jalandhar, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

08.02.2021
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(H.S. MADAAN)
JUDGE

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