

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

224

CRM-M-43858-2021 (O&M)

Date of decision: 29.10.2021

Satish Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Anu Garg, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the third petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0528 dated 05.11.2020 lodged under Sections 272, 420, 467, 468 and 471 IPC and Sections 1, 14 and 61 of the Punjab Excise Act registered at Police Station Kharkhoda, District Sonipat.

Learned counsel for the petitioner submits that the petitioner has been in custody since 26.11.2020 and only charges stand framed as on date. Learned counsel further submits that the petitioner was arrayed as an accused on the basis of disclosure statement of co-accused Sandeep whose name too came up in the disclosure statement of one co-accused Pardeep. Learned counsel submits that evidentiary value of such disclosure statement is admittedly of weak nature. It has been submitted that there was no recovery of any spurious liquor effected from him and only recovery shown to have been effected was a paltry sum of Rs.500/-. Learned counsel submits that similarly situated

co-accused including the main accused Mohit had since been extended the concession of bail by this Court. A prayer has, therefore, been made that the petitioner too be enlarged on bail as the trial would not conclude in the near future.

Per contra, learned State counsel while opposing the prayer on instructions has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner with respect to his role in the crime in question.

I have heard learned counsel and perused the material on record.

In the facts and circumstances as enumerated hereinabove, the petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

29.10.2021

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No