

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM-M-45247-2021

Date of Decision : December 23, 2021

Kashmir Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bikramjit Singh Baath, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

This is a second petition under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.0059 dated 28.07.2021 registered under Sections 61-1-14 of the Punjab Excise Act, 1914 at Police Station Ghuman Kalan, District Gurdaspur.

Learned counsel for the petitioner submits that in the present case, the investigation is over and the challan has already been presented and keeping the petitioner behind the bars during the entire period of trial, will serve no useful purpose, hence, he may kindly be extended the benefit of regular bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General,

Punjab, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that though the investigation in the present case is over and challan has been presented but as the petitioner is a habitual offender, his prayer for the grant of regular bail may kindly be rejected.

Learned counsel for the petitioner submits that though, the petitioner has been convicted in two FIRs registered under the Excise Act as well as the NDPS Act but one opportunity may be given to the petitioner to reform and the petitioner undertakes before this Court that in case, the petitioner is extended the benefit of regular bail, he will maintain a good conduct and will not indulge in any kind of illegal activities.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the investigation in the present case is over and challan has been presented and the trial is likely to take some time before it concludes, no useful purpose will be achieved in keeping the petitioner behind the bars as this Court intends to grant one more opportunity to the petitioner to mend his way and lead a normal life without committing illegalities, for which the learned counsel for the petitioner has assured this Court.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses

and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

December 23, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned? : Yes

Whether reportable? : Yes