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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Decided on: 16.02.2021

1. CRM-M No.42512 of 2020 (O&M)

Narender @ Mastu

....Petitioner

Versus

State of Haryana

....Respondent

2. CRM-M No.43241 of 2020 (O&M)

Krishan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vikas Gulia, Advocate
for the petitioner (in CRM-M-42512-2020)

Mr. I.S. Pabla, Advocate
for the petitioner (in CRM-M-43241-2020)

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in these petitions is for grant of regular bail to the petitioner namely Narender @ Mastu and Krishan under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.1198 dated 16.12.2019, for offence punishable under Sections 420, 467, 468, 471 of the Indian Penal Code, 1860 (in short 'IPC'), 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020, (Sections 3/181, 39/192, 66/192-A and 146/196 of the Motor Vehicles Act, added later) registered at Police Station Chandibagh, District Panipat.

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Counsel for the petitioners have argued that the petitioners are in custody since 24.10.2020 and the co-accused Amit was granted bail on 05.10.2020.

Counsel for the petitioners have further submitted that the petitioners are no more required for further investigation and even the owner of the distillery, Ashok Jain has already been granted the concession of regular bail by this Court.

Counsel for the petitioners have also relied upon the orders granting bail to the other accused persons.

Counsel for the petitioner – Narender @ Mastu, has submitted that he was involved in one more FIR in which he has already been granted the concession of regular bail vide order dated 22.12.2020 passed in CRM-M No.42100 of 2020.

Counsel for the petitioner – Krishan, has also submitted that he has also been granted bail in one more FIR of similar nature.

Counsel for the State has not disputed the factual position but opposed the prayer for bail. It is further submitted that as per the allegations in the FIR, heavy recovery of liquor was effected from the custody of the petitioners, who were drivers of the trucks and could not produce any permit, however, it is not disputed that all the accused persons except the present petitioners are already on bail.

Without commenting anything on merits of the case, considering the fact that the co-accused of the petitioners has already been granted the concession of bail; the petitioners are in long custody; the custodial interrogation of the petitioners is not required and the conclusion of the trial will take some time due to COVID-19 situation,

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these petitions are allowed and the petitioners namely Narender @ Mastu and Krishan, are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

16.02.2021

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No