

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

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**CRM-M No.44013 of 2020
Date of decision:07.01.2021**

Dharam Singh @ Dharma

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. J.S.Dhaliwal, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G. Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.119, dated 26.10.2020 registered under Section 61 of Punjab Excise Act, at Police Station Bhadaur, District Barnala.

Counsel for the petitioner has argued that the FIR was registered on the basis of secret information and the alleged recovery of 43 bottles from his house is planted. He urges that though he is involved in five other cases but the trial in four cases is pending and the petitioner is on bail. Counsel contends that the petitioner is in incarceration since 27.10.2020 and due to outbreak of the pandemic, the trial is not

progressing, therefore, petitioner deserves to be released on bail.

Per contra, learned State counsel upon instructions from ASI Baljit Singh submits that the recovery of 43 bottles of liquor was effected from the house of the petitioner and he was arrested on the spot. Custody certificate dated 06.01.2020 has been filed by the State. Same is taken on record. As per his instructions, the challan has been presented on 05.12.2020 and keeping in view his antecedents, he is not entitled for grant of regular bail.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegation, gravity of offence and the trial is likely to consume time due to spread of contagion, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Henceforth, in case, the petitioner is found to be involved in any act, in violation of the provisions of the Punjab Excise Act, 1914, it will be open to the prosecution to seek cancellation of his bail.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

07.01.2021

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No