

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

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CRM-M No.44031 of 2020

Date of decision:07.01.2021

Kulwinder Singh @ Gollu

... 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.159, dated 25.09.2020 registered under Section 61 of Punjab Excise Act, 1914, at Police Station Jhunir, District Mansa.

Counsel for the petitioner has argued that the FIR was registered on the basis of secret information and the alleged recovery of 40 litres of lagan and 02 bottles of illicit liquor from his house was planted. He urges that the petitioner is involved in another case, which has been registered under the Narcotic Drugs and Psychotropic Substances Act, 1985, in which he is on bail. Counsel contends that the petitioner is in incarceration since 25.09.2020 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 submits that the recovery of 40 litres of lahan and 02 bottles of illicit liquor was effected from the house of the petitioner and he was arrested on the spot. As per his instructions, the challan has been presented on 23.11.2020 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 fact that 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.

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

Henceforth, in case, the petitioner is found to be involved in any criminal activity, it will be open to the prosecution to seek cancellation of his bail.

07.01.2021

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(SUVIR SEHGAL)
JUDGE

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