

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.3357 of 2022
Date of Decision: February 01, 2022

Minta Singh @ Mintu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Navinder Jit Singh Dandiwal, Advocate,
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.184 dated 20.10.2021, under Section 61 Punjab Excise Act, 1914, registered at Police Station, City Moga, District Moga, who is in custody since his arrest on 20.10.2021.

As per the allegations in the FIR, on 20.10.2021 the police party received a secret information that Lovepreet Singh @ Lava and Minta Singh @ Mintu are in the habit of selling country made liquor after bringing the same from other States and even today the accused persons are bringing liquor in vehicle Scorpio bearing registration No.HR-56-A-2424 and if a nakabandi is laid, then they can be apprehended. Accordingly, a naka was laid near Shining Star School, MP Basti Landeke and after some time Scorpio vehicle came. On checking, 65 boxes of country made liquor marka 111 ACE Whisky were recovered without any permit or licence.

Learned counsel for the petitioner has argued that though the investigation of the case is complete as the challan was filed on 16.12.2021, but till date, charges have not been framed and, therefore, the trial is yet to commence. He prays for bail.

On the other hand, learned State counsel, assisted by SI Palwinder Singh, has opposed the prayer, but does not dispute that the charges are yet to be framed. He has filed the custody certificate of the petitioner by way of affidavit of Kulvir Singh, PPS, Deputy Superintendent, Central Prison, Faridkot, which indicates that he is involved in two more cases of similar nature.

After hearing the learned counsel for the parties and considering the above background, this court is of the opinion that the possibility of conclusion of trial in near future is extremely bleak. Admittedly, the material witnesses are police officials and at present there does not seem to be any possibility of their being won over, therefore, the further detention of the petitioner behind the bars would not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Moga.

February 01, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No