

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3812-2022 (O&M)
Date of decision: 07.07.2022

Ashish

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.K. Yadav, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.600 dated 26.11.2019 under Section 420 IPC and 61 of Punjab Excise Act (Haryana Amendment Bill, 2020) (Sections 467, 468, 471, 201 IPC were added later on), registered at Police Station Sadar Hisar, District Hisar.

Learned counsel for the petitioner submits that FIR was registered at the instance of HC Ram Mehar with the allegations that while on patrol duty, a secret information was received that one container bearing registration No.RJ-18-GB-1793 is coming from Punjab side and going to Rajasthan, carrying illegal liquor and is not having any licence or permit. On receiving such information, a barrier was laid and truck was stopped. It is further submitted that as per the FIR, the petitioner is driver of the truck and on checking the

same, total 5700 bottles and 23040 quarters were found in the truck and the petitioner could not produce any bill or licence. It is also submitted that the petitioner is in custody for the last 02 years, 01 month and 09 days; offences are triable by the Court of Magistrate and it will take some time in conclusion of the trial.

Learned State counsel has filed the custody certificate in the Court today and on basis of status report by way of Deputy Superintendent of Police, Detective, Hisar dated 14.03.2022, has submitted that when the truck was stopped, the driver ran away from the spot and on checking, it was found that the petitioner, who was arrested in some other case, after recording his disclosure statement that he is driver in the present case, was taken on production warrants in this case. It is further submitted that the petitioner is involved in two more FIRs of similar nature and out of total 15 prosecution witnesses, none has been examined so far.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in long custody and also in view of aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

07.07.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No