

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8637-2022
Date of Decision: 22.04.2022

Jitender @ Sonu

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rahul Rathore, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 326 dated 03.09.2021, under Sections 420, 120-B IPC and Section 61 of Excise Act, 1914 (Haryana Amendment Bill, 2020), registered at Police Station Safidon. District Jind.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 14.11.2021 and investigation of the case has been completed and challan has been presented. He further submitted that the name of the petitioner has been nominated on the basis of the disclosure statement made by the co-accused namely Parmod and in fact the aforesaid Parmod was caught where the liquor was being sold and the allegation against the petitioner was that some amount of money was paid to the petitioner and in fact he was running a shop. He further submitted that the

disclosure statement of the co-accused is not permissible in evidence unless corroborated by any other evidence. He further submitted that investigation of the case has already been completed and, therefore, the petitioner may be considered for the grant of regular bail. He further submitted that although the petitioner was earlier involved in five cases and it was only because of the aforesaid five cases that the petitioner has been falsely implicated by the police in the present case. He further submitted that the main accused namely Parmod who was caught on spot has been released on bail by the learned Sessions Court.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has stated that it is correct that the petitioner is in custody from 14.11.2021 and investigation of the case is complete. He further stated that it is correct that the co-accused namely Parmod has been granted bail by the learned Sessions Court. He has however denied that the petitioner was implicated only because of the fact that he was earlier also involved in other cases.

I have heard the learned counsel for the parties.

It is a case where the co-accused namely Parmod, who was caught on the spot and whose disclosure statement the name of the petitioner was nominated, has been granted bail by the learned Sessions Court as per the learned counsel for the parties. The earlier conviction of the petitioner under the Excise Act would not come into the way for grant of bail to the petitioner.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, the present petition is allowed. The

petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

22.04.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No