

**226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-10797-2022****Date of decision : 28.04.2022****Amarpal Singh****....Petitioner****Vs.****State of Punjab****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. R.S.Bajaj, Advocate for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

**********MANOJ BAJAJ, J.**

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.30 dated 28.02.1991 registered under Section 7 Essential Commodity Act, at Police Station Division No.4, District Jalandhar, who is in custody since his arrest on 24.01.2022.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, Jalandhar in the order dated 04.03.2022 are as under:-

“In brief the prosecution story is that On 28.02.1991 Sukhwinder Singh Addl. DFC, Jalandhar along with other officials of his department and officials of Police raided the shop known as "H.S.King Kulfi" situated in Red Cross Market, Near Old Courts, Jalandhar. That shop was owned by Amarpal Singh and at the time of raid, Inderpal Singh was found present. Three LPG Gas cylinders meant for domestic

use were found at the shop and same were being used in a Bhathi meant for the work of Halwai and a such were being used for commercial purpose. Accused Inderpal Singh could not produce any document regarding the supply of those cylinders by the distributor. Thereafter raid was conducted on hotel known as "Chicken Aangan" which was owned by Kuldip Kumar Chopra. Shiv Kumar accused was found present there and three LPG cylinder meant for domestic use were also recovered from there which were being used for commercial activities. Thereafter, raid was conducted at the shop of Halwai of Chanda known as Lahorian Di Hati, from where also three LPG cylinders meant for domestic use were recovered which were also being used for commercial activities. Accused Chanda disclosed that the shop was owned by Parminder Kumar. thereafter raid was conducted at Voluga Restaurant, Rainak Bazar, Jalandhar. Dharampal Accused was found there using four LPG cylinder meant for domestic use and two of those cylinders were being used for commercial use. In view of above recovery of LPG cylinders, present FIR was registered against accused Amarpal Singh, Dharampal Singh, Chanda, Shiv Kumar and Inderpal Singh at Police Station Division No.4, Jalandhar."

Learned counsel for the petitioner has argued that the trial in respect of his co-accused has already ended in their acquittal vide judgment dated 25.09.2000. He further submits that petitioner is suffering from poor health and his leg has been amputated. It is pointed out that the investigation of the case qua petitioner is almost complete. He prays for bail.

On the other hand, learned State counsel assisted by ASI Sucha Singh has opposed the prayer on the ground that the petitioner was declared proclaimed offender, however, it is not disputed that the leg of the petitioner has been amputated and the final report is likely to

be filed in the near future.

Considering the above background, nature of the offence as well as the fact that the trial is yet to commence, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 24.01.2022.

Resultantly, without meaning any expression of opinion on the merits of the case, 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 concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

28.04.2022

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No