

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

(Sr. No. 219)

CRM-M No. 13747 of 2022

Date of decision : 24.08.2022

Deepak Kumar @ Tona

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Dhruv Gupta, Advocate for the petitioner.

Mr. Navneet Singh, Senior DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No. 96 dated 01.05.2021 registered under Sections 61, 75(2), 1 and 14 of the Punjab Excise Act, 1914 (for short - the Excise Act) (Section 307 IPC added later on) at Police Station Jamalpur, District Police Commissionerate, Ludhiana.

Briefly stated, the case of the prosecution is that on 01.05.2021, a police party, along with Inspectors of the Department of Excise and Taxation, set up a barricade to check smuggling of liquor. They received secret information that three cars bearing registration Nos. PB-10-HK-9143, PB-10-4499 and PB-10-CH-9763 were being used to smuggle liquor. Acting on such information, when the afore cars were spotted by the police, they were signalled to stop. However, the drivers of two of such cars drove through the barricade and attempted to run over the police officials. Fortunately the police officials escaped but with injuries. However, the

third car got struck in the barricade and its driver, who was the petitioner, was apprehended at the spot. He disclosed that the persons who had managed to escape were co-accused Vipin Kumar, Sonu @ Tait and Anshu. The injured police officials namely ASI Kashmir Singh and ASI Vinod Kumar were then rushed to ESI Hospital, Ludhiana for treatment. Search of the car, of which the petitioner was the driver, resulted in the recovery of 20 boxes of liquor which were meant for sale in U.T. Chandigarh only and had been smuggled into the State of Punjab.

On the basis of the above, the FIR in question was lodged and in the investigation which ensued the petitioner was found guilty. Accordingly, a report under Section 173 Cr.P.C. was filed by the State on the basis whereof the petitioner was sought to be prosecuted under various provisions of the Excise Act as also under Section 307 IPC.

At the outset, learned State counsel seeks dismissal of the petition on the ground that the petitioner is a habitual offender who in the instant case has been found indulging in smuggling of liquor and that he and his co-accused have also attempted to run over police officials who were only discharging their duty. He further submits that the petitioner has already suffered four convictions for offences under the Excise Act and in addition to the present case is facing trial in 11 other criminal cases under the Excise Act as also under various provisions of the IPC.

In view of the afore submissions made before the Court by the learned State counsel, learned counsel for the petitioner submits that at this stage he does not press the present petition on its merits and that he would be satisfied if the same is disposed of with a direction to the Trial Court to

dispose of the petitioner's trial in a time bound manner.

On one hand the petitioner is in custody since 01.05.2021 and that in his trial only 01 prosecution witness has been examined while on the other hand he faces 04 convictions under the Excise Act and is facing trial in 11 other criminal cases under the Excise Act as also under various provisions of the IPC.

After considering the afore facts in their totality as also because every undertrial has a right to a speedy trial, the alternate prayer made on behalf of the petitioner is found to be reasonable and is accepted. Accordingly, the present petition is disposed of with a direction to the Trial Court to finally dispose of the petitioner's trial within six months from the next date fixed before it, in accordance with law.

24.08.2022*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No