

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

CRM-M-16948-2022(O&M)

Date of decision:-3.8.2022

Pawan alias Golu alias Behra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Parveen Sharma, Advocate
for the petitioner.

Mr.Brijesh Sharma, AAG, Haryana.

H.S. MADAAN, J.

1. This Second petition for regular bail has been filed by petitioner – Pawan alias Golu alias Behra – an accused in FIR No.746 dated 5.11.2020, under Sections 61 and 72-F of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) (Section 72-A-4-20 of Excise Act, 1914 and Sections 328, 272, 420, 467, 468, 471 IPC added later on), registered with Police Station City Sonipat.

2. The first petition filed by the petitioner bearing CRM-M-26211-2021 along with such similar petitions filed by his co-accused Amit Rathi and Ashok had been disposed of vide a consolidated order dated 28.7.2021 inasmuch the said petitions had been dismissed.

3. Briefly stated, the facts of the case, as per prosecution story

are that on 5.11.2020 on receipt of secret information that illegal liquor in Verna car of black colour was being sold in street No.2 Mayur Vihar on backside of Mall, Sonipat, a police party from Police Station City, Sonipat went to the disclosed place and found the Verna car bearing registration No.HR10-AD-2891 to be there; Sachin alias Bachi son of Angrej, resident of Garhi Brahman, Sonipat and Amit son of Krishan Jatt, resident of Street No.2, Mayur Vihar, Sonipat were present inside the car; however when they were asked for checking of car, Amit son of Krishan Jatt managed to escape, whereas Sachin alias Bachi was apprehended; on checking the dicky of the car, one box Beer Strong, 6 bottles of liquor make Blender Pride, 3 bottles make Royal Stag and two pints and one bottle make Teacher, one pint make White Blue and two bottles country made liquor make Santra were recovered. Accused could not produce any permit or licence for possession of such bottles of liquor. The recovered bottles of liquor were taken into possession after drawing samples. Ruqa was sent to the police station for the purpose of registration of the FIR. Petitioner Pawan alias Golu alias Behra was arrested in FIR No.752 dated 6.11.2020, Police Station City, Sonipat and was also nominated in FIR No.749 dated 6.11.2020 and then in this FIR also. He was arrested in this case on 9.11.2020. Accused Amit Rathi was arrested in this case on 13.11.2020 and during investigation accused Ashok was also nominated and he was arrested on 14.11.2020 and recovery of two bottles of liquor mark Raseela Santra and Rs.1,500/- in cash was effected from him. After completion of investigation and other formalities challan against the accused has been filed in the Court. The petitioner/accused had

approached the Courts of Sessions at Sonipat by moving application for regular bail but the same was dismissed by learned Sessions Judge, Sonipat.

4. I have heard learned counsel for the parties besides going through the record.

5. The petitioner/accused is in custody since 9.11.2020. Though the trial against the petitioner and his co-accused is going on but only one PW is said to have been examined so far with next date of hearing being 12.8.2022. The prosecution is said to have cited 18 PWs to prove its charge against the accused. In that way, the trial is moving at a very slow pace and its conclusion is likely to take considerable time. The co-accused of the petitioner, namely, Satpal @ Happu, Sahil Rathi and Anil Malik have since been granted concession of regular bail by a Co-ordinate Bench of this Court vide orders 4.5.2022, 2.6.2022 and 7.7.2022, respectively. The case of the petitioner is at par with such petitioners. The petitioner is said to have been granted bail in the other two criminal cases registered against him.

6. Under the circumstances, this petition for regular bail calls for acceptance. The same is allowed and the petitioner is ordered to be released on bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Sonipat, subject to the following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall join the investigation as and when directed by

- the Investigating Officer;
(v) he shall not leave India without prior permission of the Court; and
(vi) he shall surrender his passport before the Investigating Officer, if he has got one, otherwise to furnish affidavit in that regard.

7. The Court accepting bonds would ensure that sureties furnished are local having documentary proof of immovable properties in their names situated within jurisdiction of the Court of the value double the surety amount. Photographs of the sureties, attesting witnesses and the accused be got attached on the bonds and copies of the title deeds be also got attached with endorsement made on the original title deeds with regard to the said person having stood surety for the accused in this case.

8. In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

9. In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

3.8.2022
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No