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

CRM-M-22229-2022

Date of Decision: 23.08.2022

Sukhwinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sherry K. Singla, Advocate,
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.197 dated 07.12.2021, under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Julkan, District Patiala.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 09.01.2022 and the investigation of the case has already been completed and thereafter, challan has been presented before the competent Court. He further submitted that the petitioner has been falsely implicated in the present case and he has not been caught on the spot and in fact there was an alleged recovery of 150 litres of *Lahan* from the house of the petitioner. He also submitted that in fact the petitioner was earlier involved in other cases under the Excise Act and it was because

of that reason, he was falsely implicated in the present case. He further submitted that be that as it may, once the investigation of the case is already completed and challan has also been presented and no recovery is to be effected from the petitioner, therefore, he may be considered for the grant of regular bail and the pendency of the other cases under the Excise Act cannot become a ground for denial of the bail to the petitioner.

On the other hand, Mr. Kunal Vinayak, learned AAG, Punjab has stated that since the petitioner is involved in five more cases so he cannot be granted the concession of regular bail. He further submitted that however it is correct that the petitioner is in custody since 09.01.2022 and after completion of the investigation of the case, challan has been presented before the competent Court and two witnesses have already been examined.

I have heard the learned counsel for the parties.

As per the prosecution story, there was an alleged recovery of 150 litres of *Lahan* from the house of the petitioner but the petitioner was arrested later on. Investigation of the case is already completed and as per the learned counsel for the parties, no recovery is to be effected from the petitioner. The mere pendency of the other cases against the petitioner cannot become a ground for denial of the bail to the petitioner in the facts and circumstances of the present case, since the alleged recovery was not effected from the conscious possession of the petitioner, as per the learned counsel for the parties. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence any witness or may tamper with the evidence. Therefore, in view of the aforesaid facts and circumstances, this Court

deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

23.08.2022

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |