

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

214

CRM-M-23750-2022

Date of Decision: 02.06.2022

Sukhpal Singh @ Babbu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Riffi Bala Birla, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
with ASI Dharampal.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.209 dated 05.09.2021 at Police Station Sadar Rattia, District Fatehabad, under Section 61 of the Punjab Excise Act (later on Sections 411/420/467/468/471 IPC have been added).
2. The FIR was lodged on the basis of a secret information received to the effect that Jagir Singh indulges in distilling illicit liquor by setting up a furnace in his fields. Pursuant to receipt of said information, a raid was conducted at the nominated place, but none was found at the spot. However, the police recovered 150 liters of Lahan, 29 bottles of illicit liquor and two motor-cycles from the spot.
3. It is further the case of the prosecution that subsequently the police was able to arrest Jagir Singh, who upon interrogation disclosed that one

Gurwinder Singh was also associated with him. It is further the case of the prosecution that said Gurwinder Singh was also arrested and during his interrogation, he disclosed that the bikes recovered from the spot had been purchased from the petitioner. It is further the case of prosecution that subsequently the petitioner was arrested on 11.01.2022.

4. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and came to be nominated as an accused on the basis of disclosure statement of one Gurwinder Singh, who himself has been nominated on the basis of a disclosure statement made by another co-accused. Learned counsel has further submitted that even if the case of the prosecution as based on the disclosure statements, which otherwise do not carry any evidentiary value, is taken to be correct, still there is nothing to suggest that there is any allegation against the petitioner qua distilling of illicit liquor.
5. On the other hand, learned State counsel has submitted that the petitioner was part & parcel of the entire racket of illicit distillation of liquor and that during the course of interrogation of Gurwinder Singh, he had stated that one of the motor-cycle recovered from the spot had been purchased from the petitioner. Learned State counsel has further submitted that during the course of interrogation, the petitioner admitted having stolen the said motor-cycle and that in these circumstances, the petitioner having provided means of transport to the co-accused, his complicity in the entire racket is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 4 months and happens to be involved in two more cases i.e. one

- under the Gambling Act in which he has been convicted and another under Section 379 IPC. It has also been informed that charges are yet to be framed and that as many as 20 PWs have been cited.
5. I have considered rival submissions addressed before this Court.
6. From the case of the prosecution, it does appear that there is no direct allegation against the petitioner to the effect that he was also part & parcel of the illicit distillation of the liquor. However, he is being sought to be nominated on the premises that the motor-cycle recovered from the spot was a stolen motor-cycle, which had been stolen by the petitioner. In any case, this Court finds that the petitioner has been behind bars for a substantial period of about 4 months. Conclusion of trial is likely to consume time inasmuch as none of the cited 20 PWs has been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

02.06.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**