

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

Date of Decision: 21.06.2022

207 (1)

CRM-M-25692-2022

SURINDER SINGH @ GOLA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

WITH

207 (2)

CRM-M-25697-2022

KULDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Shrey Goel, Advocate for the petitioner(s).

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

This common order shall dispose of two petitions for regular bail i.e. petition bearing No.CRM-M-25692-2022 titled as Surinder Singh @ Gola Vs. State of Punjab and CRM-M-25697-2022 titled as Kuldeep Singh Vs. State of Punjab.

Instant petitions have been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioners in case FIR No.0052, dated 01.05.2022 under Sections 61/78/1/14 of the Punjab Excise Act, 1914, registered at Police Station Dugri, Police Commissionerate Ludhiana.

Learned counsel appearing on behalf of the petitioners *inter alia* contends that as per the version of the prosecution, the FIR in question

was registered on the basis of a secret information received by the police official referring that the petitioners are involved in the business of sale of country-made as well as English liquor after purchasing the same from outside the State at cheap prices and to further sell them in Ludhiana at higher prices. Upon receipt of secret information, the police party went to the spot, where the vehicle had been found and the Honda City Car bearing registration No.PB-10-BM-4885 (belonging to petitioner Surinder @ Gola) was being loaded with liquor and the transfer of liquor was being made in the car of petitioner Kuldeep Singh bearing registration No.PB-10-CP-8664. A total of 120 bottles of liquor were recovered from the WagonR belonging to petitioner Kuldeep Singh and 480 bottles of 750 ml each were recovered from the car belonging to the petitioner Surender @ Gola.

Learned counsel for the petitioners contends that the petitioners are in custody since 01.05.2022 and that the recovery in question has already been effected and that their further custodial interrogation is not required for investigation of the case. He further contends that the case in hand is a magisterial trial in which maximum sentence prescribed is imprisonment for a period of three years. The petitioners have already undergone actual custody of nearly two months. It is also argued that despite receipt of secret information, no independent witness was joined in the investigation, even though the area where the vehicles in question were found, was thickly populated area.

Ms. Amarjit Kaur Khurana, DAG, Punjab on the other hand opposes the petitions filed by the petitioners by submitting that large quantity of liquor, purchased by the petitioners from Chandigarh for onward

sale in Ludhiana, has been recovered and that the petitioners are also involved in the commission of other similar offences. She, however, could not controvert the fact the petitioners are in custody since 01.05.2022 and that the investigation is already complete and that the maximum prescribed sentence is three years.

Taking into consideration the facts noticed above, the role attributed, the nature and gravity of the offence, the stage of the case as well as the period of custody already undergone by the petitioners, I deem it appropriate to allow the instant petitions.

Accordingly, both the petitions are allowed and the petitioners are admitted to regular bail subject to their furnishing heavy bail/surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

It is made clear that the petitioners will not extend any threat and will not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

Petitions stand allowed accordingly.

(VINOD S. BHARDWAJ)
JUDGE

21.06.2022
rajender

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