

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(204)

CRM-M-27221-2022

Date of decision: - 28.06.2022

Manohar Lal

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Kulwant Singh Dhanora, Advocate,
for the petitioner.

Mr. Pradeep Prakash Chahar, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.262 dated 14.05.2022, registered under Section 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), at Police Station Civil Lines Hisar, District Hisar.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 14.05.2022 and the recovery has already been effected from the petitioner and no further recovery is to be effected from him. It is further submitted that the presentation of the challan and the trial is likely to take time and the present case is triable by the magistrate. It is also submitted that in order to show his bona fide and without admitting his liability, the petitioner is ready to deposit an amount

of Rs.10,000/- with the Haryana Excise Department within a period of two weeks from today.

Learned State counsel on the other hand has opposed the present petition for regular bail and has submitted that the petitioner is involved in several other cases and is a habitual offender and thus, does not deserve the concession of regular bail.

Learned counsel for the petitioner, in rebuttal, has relied upon the judgment of Hon'ble Supreme Court in “**Maulana Mohd. Amir Rashadi Vs. State of U.P. and another**”, reported as 2012 (2) SCC 382 to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

This Court has heard learned counsel for the parties and has perused the paper book.

Petitioner has been in custody since 14.05.2022. The recovery has already been effected from the petitioner and no further recovery is to be made from him and the presentation of the challan and the trial is likely to take time. Further, the petitioner is ready to deposit an

amount of Rs.10,000/- with the Haryana Excise Department to show his bona fide.

Keeping in view the above-said facts and circumstances and also in view of the law laid down in **Maulana Mohd. Amir Rashadi's case (supra)**, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him depositing an amount of Rs.10,000/- with the Haryana Excise Department within a period of two weeks from today and also subject to him not being required in any other case.

However, it is made clear that in case the petitioner does not deposit the above-said amount within a period of two weeks from today, the present petition would be deemed to have been dismissed. The said deposit however would not be construed as an admission of guilt by the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

June 28, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
Yes