

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-33923-2022 (O & M)****Date of decision: 26.08.2022**

Janam Singh @ Jama Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. P.S. Sekhon, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No. 261 dated 28.11.2021 under Section 61 of the Punjab Excise Act, 1914 registered at Police Station Samana (Sadar Samana), District Patiala.

2. The brief facts of the case are that while the police party was on patrolling duty, they received secret information that one Jama Singh (the present petitioner) is habitual of selling home distilled country-made liquor and presently he had gone to Ratanheri Ghagar Ghat for distilling illegal liquor and if an immediate raid was conducted, he could be apprehended with a huge quantity of illegal liquor and "*lahan*". On the basis of the aforesaid information, the present FIR came to be registered.

3. The learned counsel for the petitioner contends that the petitioner was not apprehended at the spot and no incriminating article was recovered from his possession. The alleged place of recovery is a public place and is accessible to all and the said place is not in the exclusive possession of the petitioner. No *lahan* or any illicit liquor was recovered from the house of the petitioner, and therefore, the false implication cannot be ruled out. Even otherwise, the petitioner is in custody since 02.07.2022. The further incarceration of the petitioner is not required as the investigation stands completed and none of the 08 prosecution witnesses have been examined so far.

4. The learned counsel for the State, on the other hand, contends that there are three other similar FIRs ((i) FIR No.343/20, under Section 61/1/2014 Excise Act, at Police Station Sadar Samana, (ii) FIR No.315/20, under Section 61/1/2014 Excise Act at Police Station Sadar Samana and (iii) FIR No.126 dated 12.05.2021 under Section 61/1/2014 Excise Act, at Police Station Sadar Samana), against the petitioner and being a habitual offender, he does not deserve the concession of regular bail.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner is in custody since 03.07.2022. The investigation stands completed and none of the 08 prosecution witnesses have been examined so far. Since the trial, in the present case, is not likely to be concluded in the near future, therefore, the further incarceration of the petitioner is, as such, not required. In the other FIRs registered against the petitioner, he has been granted the concession of bail.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Janam Singh @ Jama

Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

August 26, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No