

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

DECIDED ON: 26th April, 2022

(1) CRM-M-33312 of 2021

Atinder Pal Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

(2) CRM-M-37589 of 2021

Pawan Kumar

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

(3) CRM-M-38630 of 2021

Ajay Partap Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate
Mr. Prabhdeep Singh Bindra,
Mr. R.S. Sohi, Advocate for petitioners.

Mr. Sandeep Kumar, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

These three petitions are filed seeking regular bail in case of FIR No. 119 dated 21.6.2021, under Sections 420, 465, 467, 468, 471 IPC and Sections 2, 61(1)A, 61(1)C, 63(A), 64(A), 24(1) of Punjab Excise Act, 1914, registered at Police Station Urban Estate District Patiala.

The brief facts are that police received a secret information that Hardeep Kumar alias Dipu, Hanish Kumar alias Honey and their accomplices were running a liquor manufacturing unit and preparing spurious liquor.

Finding the information to be reliable, a raid was conducted in a house in Urban

Estate, Patiala. Hardeep Kumar alias Dipu, Hanish Kumar alias Honey and Salwinder Singh alias Chhinda, were apprehended from the spot. During checking of house empty bottles, bottle lids and packing boxes used for making fake liquor, mouth mantles, sealed basalt, glue bottles and cello tape for sealing, Label mark Desi Tengo, Orange Spicy Desi Liquor FOR SALE IN CHANDIGARH UT ONLY, were recovered.

Learned Senior Counsel for petitioner-Atinder Pal Singh submits that the petitioner was not apprehended from the spot. He was named by co-accused in the disclosure statement, alleging that he was involved in sale of liquor prepared by the co-accused. The contention is that the petitioner is in custody since 16.9.2021, it is a case of false implication due to his involvement in other cases under the Excise Act.

Learned counsel for petitioner-Ajay Partap Singh and Pawan Kumar submits that they were not apprehended from the spot and were named in the disclosure statement by co-accused. Recovery from petitioner-Pawan Kumar is of 50 bottles and from petitioner-Ajay Partap Singh is 46 bottles of Country made liquor. The contention is that it is a case of false implication. Petitioners are in custody since 11.7.2021 and investigation is complete. The arguments is that there is no evidence with the prosecution to connect the recovery made from the petitioners with the case set up of preparing spurious liquor by the co-accused.

Learned State counsel opposes the prayer and submits that as per the disclosure statement, petitioners were active participant in preparation and sale of liquor.

The petitioners were not apprehended from the spot, their name surfaced in disclosure statement. Considering the nature of allegations, it is a debatable issue as to whether apart from the provision of Excise Act, case under the provisions of IPC is made out or not. Albeit investigation is complete, conclusion of trial is likely to take time, personal liberty of the petitioners cannot be deprived merely due to their involvement in other cases, bail is granted to the petitioners on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petitions are allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Photocopy of this order be placed on the files of connected cases.

26th April, 2022

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**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes*
Whether reportable *Yes*