

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

CRM-M-36673-2022 (O&M)

Date of decision: 11.10.2022

Gurdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. M.S. Saini, Advocate for the petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 41 dated 12.04.2022 registered under Sections 61, 78 (2) of the Punjab Excise Act, 1914, and Section 420 IPC, at Police Station Division No.1, District Jalandhar.

Status report by way of affidavit dated 11.10.2022 of the Assistant Commissioner of Police, North, Jalandhar, and custody certificate dated 08.10.2022 issued by the Additional Superintendent, Central Jail, Kapurthala, submitted by the learned State counsel in the Court, are taken on record.

Learned counsel for the petitioner submits that the petitioner was neither name in the FIR, nor he was named by co-accused Jasbir Singh, from

whom recovery of 25 boxes of liquor was effected; that co-accused Jasbir Singh, in his disclosure statement stated that Contractors-Raman Kumar and Pawan- have stored a huge quantity of liquor in a godown; that when the raid was conducted 275 boxes of liquor was recovered from the godown and the petitioner was the Watchman of the said premise; that petitioner was only a Watchman there, he has nothing to do with the case; that the petitioner has been in custody since 12.04.2022 and that there is no other pending or decided case against the petitioner.

Learned State counsel, while vehemently opposing the prayer for bail submits that vide DDR No. 54 dated 25.04.2022 co-accused Pawan Kumar was nominated as an accused, proclamation proceedings have also been initiated against him and vide DDR No. 8 dated 03.06.2022, Raman Kumar was declared innocent. However, he does not dispute the custody period of the petitioner and that there is no other case against the petitioner. He submits that the challan has been presented.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 12.04.2022. The recovery was effected from the godown. The petitioner was merely a Watchman of the godown. Moreover, there is no other case against the petitioner. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take a long time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed

and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

11.10.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No