

215 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 17.08.2022

(1) CRM-M-44669-2021

HANISH KUMAR @ HONEY @ HANISH KALRA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

(2) CRM-M-46585-2021

SALWINDER SINGH @ CHINDA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. P.S. Ahluwalia, Advocate and
Mr. Jagatheer Dhindsa, Advocate for petitioner in
(CRM-M-44669-2021).

Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate,
Mr. Siddhant Arora, Advocate and
Mr. Vishal Sharda, Advocate for petitioner
in (CRM-M-46585-2021).

Mr. Amit Mehta, Sr. Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J. (ORAL)

These two 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 61(1)A, 61(1)C, 63(A), 24 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 at Urban Estate, Patiala. Hardeep Kumar alias Dipu,
Hanish Kumar alias Honey and Salwinder Singh alias Chhinda, were

apprehended from the spot. During checking of the 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 marks Desi Tengo, Orange Spicy Desi Liquor (FOR SALE IN CHANDIGARH UT ONLY), were recovered.

Learned Counsel appearing for the petitioners submits that though the petitioners were apprehended at the spot but there was no recovery of liquor or the working still. As per the case of the prosecution only empty bottle, labels and corks were recovered. Petitioners are in custody since 21.06.2021, the investigation is complete, no further recovery is to be made. The contention is that the case is triable by the Magistrate, the challan has been presented. He further submits that co-accused were granted bail by this Court.

Learned State counsel submits that the petitioner was apprehended from the spot. The recovery made was of labels, empty bottles, corks and also bottling machine. The contention is that the antecedents of the petitioners are not clean.

The petitioners are in custody for more than 13 months. Investigation is complete. No recovery is to be made. The raid was conducted on a secret information but the State is not disputing the fact that no liquor was recovered.

Without commenting upon the merits of the case and having conspectus of the facts, considering co-accused were granted bail and though investigation is complete conclusion of trial is likely to take time, bail is granted to petitioners on furnishing surety bonds to the satisfaction of 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 file of connected case.

17th August, 2022
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>