

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-47394-2022(O&M)
Date of decision : 23.11.2022

Jaspinder Singh @ Jass

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Naveen Sharma, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

CRM-39526-2022

This is an application under Section 482 Cr.P.C. for correction in the memo of parties to the extent of addition to alias name of the petitioner i.e. Kamal which has been left out in the memo of parties and his complete name is Jaspinder Singh @ Jass @ Kamal.

Keeping in view the averments made in the application, the application is allowed and the amended memo of the parties is taken on record. Registry is directed to tag the same at the appropriate place.

CRM-M-47394-2022

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no. 70 dated 05.05.2022 registered under Section 61/78(2) of the Punjab Excise Act, 1914 at Police Station Sadar Patiala.

petitioner has been in custody since 27.08.2022 and the investigation is complete and the challan has already been presented and there are 16 witnesses, out of which, none have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is further submitted that the petitioner was not apprehended at the spot and the liquor which has been recovered is not spurious liquor and the recovery has already been effected and, thus, no purpose would be served by keeping the petitioner in further incarceration.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner is owner of the vehicle from which the recovery has been effected. The other facts have, however, not been disputed.

Keeping in view the above said facts and circumstances moreso, the fact that the petitioner has been in custody since 27.08.2022 and the investigation is complete and the challan has already been presented and there are 16 witnesses, out of which, none have been examined and thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case and the petitioner was not apprehended at the spot and the recovery in the present case is not of spurious liquor and the same has already been effected, 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 not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of

bail granted to 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.

(VIKAS BAHL)
JUDGE

November 23, 2022
Davinder Kumar

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