

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

228

CRM-M-47529 of 2022

Date of decision: 21.11.2022

VISHAL KUMAR @ MANNU

..PETITIONER

Vs.

STATE OF PUNJAB

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Gurlal Singh Dhillon, AAG, Punjab.

HARNARESH SINGH GILL, J.

Through this petition, the petitioner seeks regular bail in case FIR No.151, dated 28.07.2021, under Sections 61/1/14 of the Punjab Excise Act, 1914, registered at Police Station City-2 Khanna, Ludhiana, District Ludhiana.

Counsel for the petitioner states that though the petitioner is named in the FIR but no recovery has been effected from the petitioner, that alleged recovery has been effected from the shop which is not owned by the petitioner, that co-accused have already been granted anticipatory bail by Sessions Court on 10.08.2021 and the petitioner has been in custody since 09.09.2022 and out of 13 prosecution witnesses none has been examined. It is further submitted

that as far as the five other excise cases registered against the petitioner, he has been involved because the local police is having a grudge against him and in one case the petitioner has been acquitted and in other two cases he has been released on probation and in another cases petitioner is on bail.

Learned counsel for the petitioner further states that the petitioner be granted conditional bail on the ground that he will not commit such offence in future.

Learned State counsel while opposing the bail application of the petitioner states that the petitioner is a habitual offender and he is involved in as many as 14 other cases and challan stand presented. Charges are yet to be framed.

I have heard the learned counsel for the parties.

It is not hidden from this Court that the petitioner is involved in 14 other cases but the fact remains that the petitioner is acquitted in one case and has been released on bail in two FIRs and he has been in custody since 09.09.2022. The recovery has not been effected from the petitioner and the same has been effected from the co-accused's shop which is not owned by the petitioner. The co-accused Rajinder has already been granted anticipatory bail by the Sessions Court. The challan has been presented. Prosecution witness is yet to be examined.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the

learned trial Court/Duty Magistrate. The petitioner is granted bail that in case the petitioner involved himself in any other FIR, the State shall be at liberty to file cancellation in the present case.

November 21, 2022
Poonam Sharma

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No