

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

227

CRM-M-55781-2022
Date of decision :07.12.2022

Gurcharan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Vikram Singh, Advocate
for the petitioner.

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

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.80 dated 01.09.2022 registered under Sections 61, 78(2) of the Punjab Excise Act read with Sections 420 & 120-B IPC (Sections 467, 468, 471, 473 added later on) at Police Station Banur, District Patiala.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 01.09.2022 and the investigation is complete and the challan has already been presented and there are 19 witnesses, out of which, one witness has been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is argued that in the present case M/s Blue Ocean Beverages Pvt.Ltd, which is situated at Goa, has been issued a permit by the Government of Goa, Department of Excise, a copy of which has been annexed as Annexure P-2 and as per the said permit, M/s Jagatjit Industries Ltd., which is situated at

Kapurthala, Punjab and M/s Blue Ocean Beverages Pvt. Ltd. have been authorised to import liquor i.e., Grain Extra Neutral Alcohol to the extent of 35000 bulk litres. It is further argued that as per the bill (Annexure P-3) which has been issued by Jagatjit Industries Limited to Blue Ocean Beverages Pvt. Ltd., a tanker no.PB06AK6026 was to carry the said liquor. The said tanker owned by co-accused Jawahar Singh which, as per the case of the prosecution, was being driven by the present petitioner, was carrying liquor at the time when the raid was conducted and it was seized by the authorities with 35000 litre of Grain Extra Neutral Alcohol. It is submitted that at any rate, the recovery has already been effected and 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 recovery from the tanker bearing registration no.PB06AK6026 is of 35000 litres of liquor and the said tanker was driven by the present petitioner.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 01.09.2022 and the investigation is complete and the challan has already been presented and there are 19 witnesses, out of which, one witness has been examined and thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case. The arguments addressed by learned counsel for the petitioner on the basis of Annexures P-2 and P-3, which have been noticed hereinabove, would show that there are arguable points in favour of the petitioner which would be finally adjudicated during the course of the trial. The recovery has already been effected in the present case and no

purpose would be served by keeping the petitioner in further incarceration.

Keeping in view the above said facts and circumstances, 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

December 07, 2022
Rajeev (rvs)

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