

CRM-M-7759-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.217

Case No. : CRM-M-7759-2023

Date of Decision : April 19, 2023

Rakesh Kumar @ Laddi Petitioner
vs.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Sachin Ohri, Advocate
for the petitioner.

Mr. S. S. Cheema, DAG, Punjab.

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GURBIR SINGH, J. :

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.03 dated 07.01.2023, under Sections 420, 284, 328, 511 IPC, 1860 and Section 61(1) of the Punjab Excise Act, 1914, registered at Police Station Sadar, District Pathankot.

Status Report by way of affidavit of Sumeer Singh, PPS, Deputy Superintendent of Police, Sub Division Rural, District Pathankot has been filed today in Court on behalf of State of Punjab, which is ordered to be taken on record.

As per allegations, secret information was received on 07.01.2023 that the petitioner was doing the business of selling illicit liquor at high level and had concealed the cans of liquor/alcohol in a room built in his field. In case, he would supply the said alcohol to people, it could prove

to be dangerous to their lives. If raid was conducted, heavy quantity of alcohol could be recovered. On receiving the afore-said information, the police party raided the disclosed place. One person was apprehended, who disclosed his name as Rakesh Kumar @ Laddi (petitioner). On search of the room, 20 plastic cans were recovered. Each can contained 45 bottles of 750 ml each of illicit liquor. The same were taken into possession as per rules.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated. He was arrested from his house on 07.01.2023 at about 02:00 PM. He has referred to the photographs, which have been taken from footage of the CCTV, installed at his house. These photographs have been annexed with the present petition as Annexure P-2 and are about taking of the petitioner from his house at that time. Later on, he was falsely implicated by stating that the police have arrested him on the same day at 08:00 PM from the room built in his fields. No recovery was effected from the room built in his fields. The petitioner is not having any previous history related to any crime. He is in custody since 07.01.2023. Challan has already been presented. Therefore, he be released on bail.

On the other hand, learned State counsel has opposed the prayer made by learned counsel for the petitioner by submitting that huge quantity of illicit liquor was recovered from the possession of the petitioner. Therefore, he does not deserve the concession of bail. However, he has fairly conceded that the petitioner is in custody in this case since 07.03.2023.

Heard.

The authenticity of photographs annexed with this petition, stated to be taken from footage of CCTV installed at the house of the

petitioner, would only be established during the trial of the case but it is clearly mentioned in the petition that the petitioner was taken away from his house on 07.01.2023 at 02:08 PM. The date and time are also shown in the photographs but no reply to that effect has been mentioned in the Status Report and there is no explanation from the State.

Accordingly, without discussing the merits of the case but keeping in view the fact that completion of trial may take a long time, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

April 19, 2023
monika

(GURBIR SINGH)
JUDGE

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