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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHAN-
DIGARH

CRM-M- 15395-2023 (O&M)
Date of Decision:31.05.2023

HARISH KUMAR @ HONEY

... Petitioner

Vs.

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Ms. Riffi Bala Birla, Advocate
for the petitioner.
Mr. Madhur Sharma, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Instant petition has been filed under Section 439 of Cr.P.C., seeking regular bail in the case bearing FIR No. 135 dated 27.11.2018 registered under Sections 61 of Punjab Excise Act, 1914 at Police Station City Fazilka, District Fazilka (Annexure P-1).

Custody certificate dated 29.05.2023 of the petitioner filed by the learned State counsel in the Court today, same is taken on record.

Brief facts of the case are that HC Kuldeep Singh, received a secret information that one Harish Kumar (petitioner herein) is selling country made liquor (Mota Santra) in front of electricity office and if raid be conducted, then the said Harish Kumar be apprehended at the spot. The

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information being reliable and the selling of liquor fulfill the completion of the offence under Section 61 of Excise Act; hence, a ruqa under Sections 61 of Excise Act was sent to Police State of registration of FIR, through PHG Grumail Singh 7300.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR and the alleged recovery has been foisted upon the petitioner. He further submits that the petitioner was arrested and granted regular bail vide order dated 01.12.2018, thereafter during the trial he remained absent from court, and thereafter surrendered on 19.01.2023, since then he is in custody. Counsel for the petitioner further submits that charges have been framed and 2 witnesses out of 6 have been examined till date, therefore trial would take sufficient time to conclude and no useful purpose would be served by keeping him behind the bars any further.

On the other hand, learned State counsel opposes the plea of the petitioner for grant of regular bail on the ground of seriousness of the offence. Learned State counsel further submits that three more cases are pending against the present petitioner i.e. FIR No. 02 dated 12.01.2019, FIR no. 36 dated 12.02.2020 and FIR no. 19 dated 29.06.20218. However, he does not dispute the fact that as per custody certificate petitioner is on bail in all these case and challan in the present case has been presented on 25.11.2019 and since 07.01.2020 only 2 witnesses out of 6 have been examined.

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Having heard learned counsel for the parties and gone through the case file and custody certificate filed by learned State counsel, it is significant to note that investigation of the case has been completed and challan stands presented and charges have also been framed, but since 07.01.2020 only 2 witnesses out of 6 have been examined. Therefore, no useful purpose would be served by keeping the petitioner in further incarceration, thus the present petition for grant of regular bail deserves to be allowed.

As such, sufficient mitigating circumstances are made out to grant the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

Accordingly, this petition is allowed.

DEEPAK MANCHANDA)
JUDGE

31.05.2023
Amandeep

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