

CRM-M-17609-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17609-2023 (O&M)

Date of Decision: 25.05.2023

Ravinder Singh

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Kanwaljit Singh Senior Advocate with
Mr. Ajaivir Singh, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

In the instant petition, the petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 109 dated 30.07.2020, under Sections 304, 302, 201,326, 328, 379, 411, 120-B IPC and 61/1/14 of the Excise Act registered at Police Station City Tarsikka, District Amritsar Rural.

The allegation qua the petitioner are that he was the intermediary between one Rajiv Joshi in buying the alcohol and supplying it further. Learned counsel for petitioner contends that the petitioner is in

custody since 13.08.2020 and has been falsely implicated in the present case as neither he is named in the FIR nor is found to be present with the deceased at the time of occurrence. He further submits that the petitioner was implicated in the present FIR only on the basis of disclosure statement made by the co-accused. It is also argued that neither any specific role has been attributed to the petitioner nor the deceased purchased the spurious liquor from the petitioner. Learned counsel for the petitioner claims parity with the main accused Rajiv Joshi, who has been granted regular bail by the Co-ordinate Bench vide order dated 25.01.2021 passed in CRM-M-35989-2020. He submits that no recovery has been effected from the petitioner and the challan stands presented and charges have been framed on 16.07.2022 and out of total 169 prosecution witnesses, 02 witnesses have been examined till date and the conclusion of trial will take sufficient time, therefore, it is prayed that the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State and the same is taken on record. Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature and he is a habitual offender since he is involved in other cases as well. However, he does not dispute the fact that the challan stands presented and the co-accused has already been allowed regular bail.

Confronted with the same, learned counsel for the petitioner submits that out of 05 cases registered against the petitioner, he is on bail in

four of them and further refers to the judgment rendered by the Apex Court in ***Maulana Mohd. Amir Rashdi vs. State of Uttar Pradesh and Another in Criminal Appeal No. 159 of 2012.***

I have heard learned counsel for the parties.

Petitioner is in incarceration since 13.08.2020.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further since the co-accused has been allowed bail and challan stands presented and out of total 169 prosecution witnesses only 02 have been examined till date and trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case and in view of the settled law held in the judgment ***Maulana Mohd. Amir Rashdi (supra)*** long custody and on parity of petitioner with the co-accused, it is ordered that the petitioner be released on regular bail subject to furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned on the following conditions:-

1. *he will appear before the Court on each and every date of hearing;*
2. *he will not give any threat or intimidation to the prosecution witnesses;*
3. *he will not indulge in any criminal activity.*

The Court accepting bonds would ensure that two local sureties who are financially sound having immovable properties within jurisdiction of the district furnish the bonds.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner do not abscond and

interfere in the trial.

In case the petitioner violate any terms and conditions on which the bail has been granted to him , the prosecution would be entitled to apply for cancellation of his bail.

The petition is allowed accordingly.

(DEEPAK MANCHANDA)
JUDGE

25.05.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>