

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

CRM-M-33110-2023

Date of Decision: 03.08.2023

Prem Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Sukhveer Kaur, Advocate
 for the petitioner.

Mr. M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.0038 dated 09.05.2023 registered under Sections 61/1/14 of Punjab Excise Act, 1914, at Police Station Qila Lal Singh, District Batala.

2. As per case of the prosecution, 250 bottles of illicit liquor were recovered from the car of the petitioner on 09.05.2023.

3. Learned counsel for the petitioner submits that in fact, the petitioner was taken away from his home at about 11.30 p.m. on 08.05.2023 and after concocting a false story, he has been falsely involved in the present petition. Learned counsel further submits that despite his request, the tower location of his mobile phone was not taken by the police, which could establish that the petitioner was not present at the place, from where the illicit liquor was allegedly recovered. He further contends that the petitioner was arrested in the

present case on 09.05.2023 and the challan has already been presented before the trial Court. Learned counsel further contends that the prosecution has relied upon 8 prosecution witnesses, but the charges are yet to be framed against the present petitioner and the trial is yet to formally commence against him. Thus, his further custody will serve no meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the grant of concession of bail to the present petitioner on the ground that the petitioner is the main accused and four other cases under the provisions of Excise Act have already been registered against the present petitioner. However, learned State counsel admits that in three cases, he is on bail and in one case, he has been ordered to be acquitted.

5. I have heard the learned counsel for the parties and perused the record.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

7. In case, the petitioner involves in any other criminal activity during the pendency of the trial before the learned trial Court, it shall be viewed seriously and the prosecution will be at liberty to move a petition for cancellation of bail granted to him.

(N.S.SHEKHAWAT)
JUDGE

03.08.2023
hemlata

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