

CRM-M- 50457-2022 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 50457-2022 (O&M)

Date of Decision: 02.03.2023

Sandeep alias Mama and another

... Petitioners

V/s.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Pawan Kumar Hooda, Advocate
for the petitioners.

Mr. Bhupender Singh, DAG, Haryana
for the respondent-State.

DEEPAK MANCHANDA, J.(Oral)

In the instant petition, the petitioners have prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 746 dated 05.11.2020, under Sections Section 61/72-F of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) and later on added Section 72-A of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) and Sections 272, 328, 420, 467, 468, 471, and 120-B IPC registered at Police Station

CRM-M- 50457-2022 (O&M)

-2-

City Sonipat, District Sonipat, Haryana.

Learned counsel for the petitioners contend that the petitioners are in custody since 23.12.2020. He submits that the petitioner has been implicated in the present case on the basis of disclosure statement of co-accused and has no concern with the preparation or supply of fake liquor as alleged. Learned counsel for the petitioners claims parity with other co-accused namely Amit Khatri, who has been allowed regular bail by the Co-ordinate Bench on 18.11.2021 in CRM-M-29423-2021 and co-accused Satpal alias Happu, who has been allowed regular bail by the Co-ordinate Bench on 04.05.2022 in CRM-M-17360-2022 (Annexures P-4 and P-5). He submits that no recovery has been effected from the petitioners and the challan stands presented and out of total 32 witnesses, 02 witnesses have been examined till date and the conclusion of trial will take sufficient time, therefore, it is prayed that the petitioners be enlarged on bail.

Reply has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from ASI Kartar, opposes the grant of regular bail to the petitioner, while submitting that the petitioners are habitual offenders and the offences alleged against the petitioners are serious in nature and they are involved in other cases, however, does not dispute the fact that challan stands presented and the co-accused have already been allowed bail.

Confronted with the same, learned counsel for the petitioners 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.***

CRM-M- 50457-2022 (O&M)

-3-

159 of 2012.

I have heard learned counsel for the parties.

Petitioners are in incarceration since 23.12.2020.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioners, they would hamper the course of free and fair trial. Further, since the petitioners were implicated on the disclosure statement and claims parity on the basis that similarly situated co-accused have been allowed bail and the investigation is complete and charges have been framed and the trial would take sufficient time, no useful purpose would be served in keeping the petitioners behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners 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 shall appear before the Court on each and every date of hearing;*
- 2. he shall not give any threat or intimidation to the prosecution witnesses;*
- 3. he shall 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 petitioners do not abscond and interfere in the trial.

CRM-M- 50457-2022 (O&M)

-4-

In case the petitioners violates any terms and conditions on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of their bail.

The petition is allowed accordingly.

(DEEPAK MANCHANDA)
JUDGE

02.03.2023
seema

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