

CRM-M- 52275-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 52275-2022 (O&M)

Date of Decision: 02.03.2023

Sumit alias Shami

... *Petitioner*

V/s.

State of Haryana

... *Respondent*

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Aman Joon, Advocate
for the petitioner.

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

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. 746 dated 05.11.2020, under Sections 272, 328, 420, 467, 468, 471, 120-B IPC and 61-4-20, 72-F, 72-A-4-20 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) registered at Police Station City Sonipat, District Sonipat, Haryana.

Learned counsel for the petitioner contend that the petitioner are in custody since 06.04.2022. He submits that the petitioner has been falsely implicated in the present case and has no concern with the preparation or supply of fake liquor as alleged. Learned counsel for the petitioner 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

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allowed regular bail by the Co-ordinate Bench on 04.05.2022 in CRM-M-17360-2022 and submits that he is also at par with the above-said co-accused. He submits that nothing is to be recovered from the petitioner and the challan stands presented and out of total 32 witnesses, only 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.

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 petitioner is a habitual offender and the offences alleged against the petitioner are serious in nature and he is 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 petitioner 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 are in incarceration since 06.04.2022.

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 petitioner was 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

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purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, 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 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 petitioner do not abscond and interfere in the trial.

In case the petitioner 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

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