

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

220 (4 cases)

Date of decision : 27.02.2023

(i) CRM-M-52588-2022

Anil Malik Petitioner

V/S

State of Haryana Respondent

(ii) CRM-M-55203-2022

Sumit Rathee Petitioner

V/S

State of Haryana Respondent

(iii) CRM-M-52129-2022

Sumit @ Shami Petitioner

V/S

State of Haryana Respondent

(iv) CRM-M-4457-2023

Sandeep @ Mama and another Petitioners

V/S

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Satnam Singh Sishodia, Advocate
for the petitioner in CRM-M-52588-2022.

Mr. Parveen Sharma, Advocate
for the petitioner in CRM-M-55203-2022.

Ms. Sunita Punia, Advocate for
Mr. Rajiv Kataria, Advocate
for the petitioner in CRM-M-52129-2022.

Mr. Pawan Kumar Hooda, Advocate
for the petitioners in CRM-M-4457-2023.

Mr. Munish Sharma, Asstt. A.G., Haryana
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

This order will dispose of the above mentioned petitions as
the same arisen out of the common FIR.

The petitioners have filed the present petitions under
Section 439 of the Code of Criminal Procedure, 1973 for grant of
regular bail in case FIR No.745 dated 04.11.2020 registered under
Sections 272, 420, 467, 468, 479, 148 and 149 of the Indian Penal Code,
1860 and Section 61 and 72-A of the Punjab Excise Act, 1914 (Haryana
Amendment Bill, 2020) at Police Station City Sonipat, District Sonipat.

Brief facts of the case are that on 04.11.2020 when HC
Diwan was doing patrolling duty, he received a secret information that
one Karambir s/o Dharambir is selling liquor near the wall of Lal
School, Village Kalupur. On the basis of said information HC Diwan
along with other police officials reached at the disclosed place. On
seeing the police party, accused-Karambir, who was selling illegal
liquor, tried to fled from the spot, however, the police apprehended him.
On search, 29 bottles of Santra (deshi wine), 07 bottles of Marka
Murthal, 09 half of Sandtra and 18 quarter of Santra were recovered
from the place.

Learned counsel for all the petitioners have submitted that the petitioners have been falsely implicated in the present case. The petitioners were neither named in the secret information nor named in the FIR and were not even apprehended at the spot. The petitioners were implicated in the present case only on the basis of disclosure statement made by co-accused Karambir which is a very weak type of evidence. The petitioners have nothing to do with the alleged recovery. Similarly placed co-accused Amit Rathi and Naresh @ Nesi have already been granted regular bail by the Coordinate Bench of this Court vide order dated 24.03.2021 and 31.05.2022 respectively. The petitioners are in custody since their arrest. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioners in custody. Therefore, the petitioners may be released on regular bail.

On the other hand learned State counsel has vehemently opposed the present petitions for grant of regular bail and submits that the petitioners were specifically named by co-accused Karambir in his disclosure statement. The petitioners are also involved in other cases and are habitual offenders.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, the fact that the petitioners were not apprehended on the spot and were implicated only on the basis of disclosure statement made by co-accused Karambir, co-accused Amit Rathi and Naresh @ Nesi have already been granted regular bail by the Coordinate Bench of this Court and also the

fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioners deserve the concession of regular bail.

Accordingly, the present petitions are allowed and all the petitioners are ordered to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

27.02.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No