

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

234

CRM-M-52909-2023

Date of decision: 30.10.2023

Narender Kumar Yadav

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. J.P. Sharma, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.200 dated 19.07.2023 under Sections 420, 467, 468, 471, 120-B of the IPC and Section 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill 2020) registered at Police Station Ateli, District Mohindergarh.

2. Learned counsel for the petitioner inter alia contends that the petitioner, who has now been in custody since 16.08.2023, has been falsely implicated in the case in hand; and that too on the basis of a disclosure statement allegedly suffered by co-accused Giriraj Parsad. Even co-accused Giriraj Parsad had been made an accused on the basis of disclosure statement allegedly suffered by one Dharminder, from whom a recovery of 1452 bottles of illicit liquor was effected pursuant to a secret information. Learned counsel while drawing the attention of this Court to the FIR which has been annexed as Annexure P-1, further submits that neither was the petitioner named in the secret information

nor any role attributed to him therein. It has been further submitted that when the petitioner was arrested even at that point in time, no recovery of any illicit liquor was effected. A prayer has, therefore, been made to enlarge the petitioner on bail moreso, since investigation is complete and charges also stand framed.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from SI Amardeep, has not disputed that the petitioner was not named in the secret information nor any recovery much less of illicit liquor effected from him when he was arrested on 16.08.2023. It has also not been disputed by the learned State counsel that the petitioner has clean antecedents and is not involved in any other criminal case much less a case of similar nature. However, he submits that the petitioner was arrayed as an accused on the basis of a disclosure statement suffered by co-accused who had stated that the recovered illicit liquor had been supplied to him by the petitioner.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. Investigation in the case in hand is complete and even charges stand framed, however, none of the 11 prosecution witnesses have been examined so far. There is, thus, no likelihood of the trial concluding in the near future. The petitioner has been in custody since 16.08.2023 in a magisterial trial. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner

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be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

30.10.2023 (MANJARI NEHRU KAUL)
Vinay JUDGE

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