

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

245

**2023:PHHC:142829**

**CRM-M-54869-2023**

Date of decision: November 8<sup>th</sup>, 2023

Dharmender @ D.K.

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Pankaj Bali, Advocate  
for the petitioner.

Mr. Karan Jindal, Assistant Advocate General, Haryana.

**MANJARI NEHRU KAUL, J. (ORAL)**

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.200 dated 19.07.2023 under Sections 420, 467, 468, 471, 120-B of the IPC and Sections 61/4/20 of The Punjab Excise Act, 1914, registered at Police Station Ateli, District Mahendergarh.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was just an employee/driver of the main accused Giriraj. It was in his capacity as a driver of the tempo owned by the prime accused Giriraj, he was driving the tempo in question when he was intercepted by the police and a recovery of 384 bottles of liquor was effected from the vehicle. Learned counsel submits that the petitioner, in fact, had no role whatsoever to play in the crime in question and is completely innocent, which finds credence from the fact that he is not involved in any other criminal case. It has been further submitted that since investigation is complete and even charges stand framed, further incarceration of the petitioner, who has been in custody since

19.07.2023, would serve no useful purpose and hence, he be extended the concession of bail.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the petitioner was an employee of the main accused Giriraj, whose tempo was being driven by the petitioner at the relevant time. Learned State counsel has further submitted that prime accused Giriraj is still in custody. Learned State counsel has also not disputed that after the charges were framed, none of the 11 prosecution witnesses have been examined so far.

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

5. The petitioner has been in custody since 19.07.2023. The trial would take considerable time to conclude as none of the 11 prosecution witnesses have been examined till date.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner 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.

7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

**November 8<sup>th</sup>, 2023**

*Puneet*

**(MANJARI NEHRU KAUL)  
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No