

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

**CRM-M No.51484 of 2019 (O&M)
Date of Decision: 24.01.2023**

Rajinder Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Tanvir S. Grewal, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.121 dated 27.03.2019, under Sections 409, 420, 120-B, 188 of the Indian Penal Code, 1860 and Section 61 of the Punjab Excise Act, 1914, registered at Police Station Sadar Thanesar, District Kurukshetra, Haryana.

2. Allegations are that on 26.03.2019, HC Balwinder Singh was on secret duty for surveillance of crime in the area of Police Station Sadar Thanesar. When he reached near Jindal Chowk, an informer met him and gave secret information that one Sandeep Kumar has kept lots of boxes of English Liquor in white Bags in the room of one house. ASI Ramesh along with other police officials reached at Jindal Chowk in a private vehicle. Thereafter, they

caught aforesaid Sandeep Kumar and white bags consisting of 8728 quarters of English Liquor of different brands were recovered, which were in the violation of orders of District Deputy Commissioner, Kurukshetra because at that time, the sale of liquor was banned in the area.

Although, petitioner was not named in the said FIR; but accused Sandeep Kumar stated in his disclosure statement that he purchased 4600 quarters of English Liquor from petitioner-Rajinder Kumar, who was posted as ASI in Police Station Sadar, Thanesar.

3. This Court, on 10.12.2019, granted interim bail to the petitioner in the following manner:-

“ On request of learned State counsel, adjourned to 31.01.2020.

To be heard along with CRM-M-46861 of 2019.

In the meanwhile, the petitioner shall be released on interim bail, to the satisfaction of learned trial Court/Duty Magistrate, concerned, till the next date of hearing.”

4. Learned State Counsel has apprised the Court that petitioner is regularly appearing before the Court below and there is no allegation(s) that he has misused the concession of interim bail in any manner. Also acknowledged that there is no other criminal case pending against the petitioner.

5. In such a scenario, sending the petitioner in custody at this stage would not serve any purpose.

6. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 10.12.2019, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
8. The above observations may not be construed as an expression of opinion on the merits of the case.
9. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.
10. Disposed off accordingly.

January 24th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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