

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.1138-2024 (O&M)
Date of Decision: 24.01.2024

Lovepreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Raman Kumar, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG., Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.230 dated 26.10.2023, under Section 61 of the Punjab Excise Act, 1914 (under Section 78(2) of Punjab Excise Act, added later on), registered at Police Station Samrara, District Khanna.

(2) Above FIR was registered with the allegations that petitioner was traveling in Car No. DL-7CH-4678 from which 540 bottles each containing 750 ml. of whisky make 999 power star fine were recovered without any permit or license and co-accused-Kamal was driving the car; but he ran away.

(3) Contends that petitioner has been falsely implicated and he has no role in the commission of alleged offence. Further contends that petitioner is in custody since 26.10.2023; report under Section 173 Cr. P.C. has already been presented and trial will take sufficient long time, hence, no useful purpose would be served by keeping him in custody.

(4) Learned State counsel on instructions acknowledged the factum of challan as well as framing of charges on 04.01.2024 by the Court of competent jurisdiction. However, he opposed the prayer while submitting that 540

bottles of whisky were recovered from the petitioner.

- (5) Heard both sides and perused the paper-book.
- (6) Petitioner is in custody since 26.10.2023; challan has already been presented; and even charges were framed on 04.01.2024. There is no allegation that in case petitioner is granted bail pending trial, he will misuse the concession in any manner.
- (7) As the trial is likely to take sufficient long time, hence, in such a scenario, no useful purpose would be served by keeping him in custody.
- (8) Consequently, present petition is allowed; petitioner is ordered to be released on bail pending trial in the present case on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.
- (9) However, it is clarified that petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
- (10) The above observations may not be construed as an expression of opinion on the merits of the case.
- (11) It is also clarified that in case there is any misuse of concession on the part of petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.
- (12) Pending application(s), if any, shall also stand disposed off.

24.01.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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