

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

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**2024:PHHC:022017
CRM-M-6938-2024
Date of decision: February 15, 2024**

VISHALDEEP SINGH @ VISHAL

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rana Harjasdeep Singh, Advocate
for Mr. Jasdeep Bhullar, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.111 dated 04.08.2023 (Annexure P-1) under Section 61(1) of the Punjab Excise Act, 1914, registered at Police Station Kabarwala, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand for being found in possession of 1600 liters Lahan and 600 liters of illicit liquor along with three working stills. Learned counsel has submitted that the petitioner being innocent is evident from the fact that he has never been involved in any other criminal case, much less a case of similar nature. Learned counsel has further submitted that after he was arrested on 04.08.2023, challan was presented on 28.09.2023, followed by framing of charges on 30.09.2023. However, it was a matter of record that the case was being adjourned repeatedly on account of the non-

appearance of the prosecution witnesses, who in the case in hand were all official witnesses. In support, learned counsel has drawn the attention of this Court to the *zimni* orders, which have been annexed as Annexures P-5 to P-14, with the instant petition. On a pointed query put to the learned counsel for the petitioner as to whether the petitioner has any criminal antecedents, he has replied in negative.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the learned counsel for the petitioner, has submitted that a huge recovery of 1600 liters Lahan, 600 liters of illicit liquor and three working stills was effected from the petitioner, pursuant to a secret information. He has, however, not disputed that the investigation in the case in hand is complete as charges stands framed, coupled with the fact that the petitioner is not involved in any other criminal case. He, on instructions, has also not been able to dispute that the case has been repeatedly adjourned after September 2023 to await the appearance of the prosecution witnesses, who in the case in hand are all official witnesses.

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

5. In the aforementioned circumstances, the petitioner cannot be made to languish in custody on account of the non-appearance of the prosecution witnesses and it certainly does not lie in the mouth of the State to oppose the prayer for extending the petitioner on bail. The petitioner is not stated be involved in any other criminal case, much less a case of similar nature.

6. In the facts and circumstances enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the

instant petition is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

7. 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.

8. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

February 15, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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