

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10049-2024
Date of Decision:29.02.2024

Gurwinder Singh @ Manga ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Yashpal Thakur, Advocate and
Mr. Gaurav Arora, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 147 dated 29.10.2017, registered under Section 61/1/14 of Punjab Excise Act, Police Station Amargarh, District Sangrur (now Malerkotla), Punjab (Annexure P-1).
2. As per the case of the prosecution, a police party was on patrolling duty on 29.10.2017 and found one car coming from the opposite side. However, on seeing the police party, two occupants of the car ran away from the spot and from the search of the car, the police recovered 05 boxes of liquor from the back seat of the car and 15 boxes of countrymade liquor were recovered from the *dicky* of the car. Thus, total 240 bottles of countrymade liquor were recovered from the car in the present case.
3. Learned counsel for the petitioner contends that the petitioner is in

custody since 08.12.2023. He next contends that no other case was ever registered against the present petitioner. As per him, the final report under Section 173 Cr. P.C has already been presented against him.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner has been declared to be a proclaimed person twice and he may abscond from the process of law.

5. I have heard the learned counsel for the parties and perused the record.

6. It is not in dispute that the petitioner has suffered incarceration for the last about five years and the final report under Section 173 Cr.P.C has already been presented against him. Trial Court may take considerable long time in concluding the trial.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall

swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report on every 1st Monday of English calender month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

29.02.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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