



220

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15275-2024
Date of decision : 04.07.2024

Gurmail Singh
.....Petitioner

versus

State of Punjab
..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

Present petition has been filed by the petitioner under Section 439 praying for grant of regular bail in case FIR No.0155 dated 07.08.2023, under Section 61 (Act No.1) of Punjab Excise Act, 1914, registered at Police Station Sadar Samana, District Patiala.

Adumbrated facts of the case are that the present FIR was lodged by the police wherein it was alleged that on 07.08.2023, a secret information was received that Gurmail Singh is involved in selling the illicit liquor and if raid is conducted, he can be arrested with the illicit liquor. Finding the information reliable, the FIR was lodged and raid was conducted. However, Gurmail Singh escaped from the place of occurrence but was identified by ASI Harwinder Singh. 200 liter Lahan was recovered from the spot. The investigation commenced and the petitioner Gurmail Singh was arrested on 29.12.2023. He approached the Learned Additional Sessions Judge, Patiala praying for grant of bail, however, the same was declined by the Ld.

Additional Sessions Judge vide order dated 23.01.2024. Aggrieved by the



same, the petitioner approached this Court praying for grant of bail.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in this case. He submits that the case of the prosecution is based on the alleged secret information, however, the petitioner was not arrested on spot. He submits that the place of occurrence from where the alleged 200 lt. Lahan was recovered, even does not belongs to the petitioner. He submits that no independent witness was joined by the investigating agency to establish the complicity of the petitioner. He submits that though the petitioner is facing prosecution in 04 other cases, however, he is on bail in those cases. He submits that the investigation is complete and the petitioner is behind bars from the last about six months. He submits that in the overall facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that there was a specific information received regarding the petitioner and while he escaped, he was identified by ASI Harwinder Singh. He submits that the petitioner is facing trial in other 04 similar cases. He submits that in the present case, the investigation is complete and the challan is already presented.

Heard. On hearing counsel for the parties and perusing the record, it is apparent that the petitioner was arrayed as an accused on the basis of the secret information and on the raid conducted 200 lt. Lahan was recovered, however, the petitioner was not arrested on the spot. The investigation in the case is already complete though the accused petitioner is involved in other 04 cases, however, he is said to be on bail in those cases.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently



long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

04.07.2024

ps-I

(RAJESH BHARDWAJ)
JUDGE

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