



CRM-M No. 15839 of 2024

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

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**CRM-M No. 15839 of 2024 (O&M)
Date of Decision: 24.09.2024**

Hem Singh @ Bilku

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. G.S.Sawhney, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C') seeking bail pending trial to the petitioner in FIR No. 22 dated 05.02.2024, under Sections 120-B, 272, 273, 420, 467, 468 and 471 of the Indian Penal Code, 1860 (for short, 'IPC') and Sections 61(1)(c) and 72-A of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), registered at Police Station Kosli, District Rewari.

2. Allegations are that 10 boxes of spurious liquor along with Rs. 1,54,650/- were recovered from vehicle driven by co-accused- Sombir @ Kalia on 05.02.2024 & petitioner was nominated on the disclosure made by him.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 19.04.2024 and in pursuance thereof, he is regularly appearing before learned trial Court. Further submits that there is no allegation that petitioner is likely to misuse the concession or



4. *Per contra*, learned State Counsel, on instructions from quarter concerned, has acknowledged the above factual position and submits that petitioner is regularly appearing before learned trial Court. He also acknowledged that petitioner has not misused the concession of interim bail granted by this Court on 19.04.2024; but he has opposed the prayer for bail while submitting that allegations are serious in nature.

5. Heard learned counsel for both the sides and perused the paper book.

6. This Court, granted interim bail to the petitioner on 19.04.2024, in the following manner:-

“Learned counsel contends that petitioner was not named in the FIR; rather nominated on the basis of disclosure made by co-accused Somvir. Also contends that co-accused (Diwan Singh) with similar allegations has already been granted the concession of bail pending trial by a Coordinate Bench vide order dated 09.04.2024 passed in CRM-M-16349- 2024.

Learned State counsel seeks time to verify the above factual position.

Posted for 08.07.2024.

Till the next date of hearing, petitioner is ordered to be released on interim bail in this case on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. ”

7. Learned State counsel has duly acknowledged that petitioner is regularly appearing before learned trial Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession or hamper the proceedings in any manner. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 19.04.2024, is made absolute. He shall be



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admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations may not be construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is any misuse of concession by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

24.09.2024 (MAHABIR SINGH SINDHU)
Rajeev (rvs) JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No