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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-18896-2024
Date of decision:-24.04.2024

AMRITPAL

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Bhupinder Kaur, Advocate for the petitioner.
Mr. Japjot Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0015	08.06.2018	61(1), 14 Punjab Excise Act, 1914	City Morinda, District Rupnagar.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. She contends that the petitioner was declared as proclaimed offender in this case vide order dated 31.10.2019 (Annexure P-2), although he never received any notice, warrant or proclamation in this regard. She submits that

petitioner was arrested on 02.12.2023 and since then he is in custody in the present case triable by the Court of Magistrate, she as such prayed for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel has not disputed the factual matrix of the case and submits that after being declared as proclaimed offender in the present case, petitioner was arrested on 02.12.2023, since then, he is in custody. However, he has admitted that challan has been presented in Court and trial is going on.

5. After considering the rival contentions and perusing the record, it transpires that petitioner is in custody since 02.12.2023 on account of him being declared as proclaimed offender in this case. The allegations as per FIR (Annexure P-1) that petitioner along with co-accused were found keeping in possession 384 bottles of country made liquor. Admittedly, the trial is going on in the present case triable by the court of Magistrate which will take sufficient long time for disposal thereof to ascertain criminal liability, if any, of the petitioner and no purpose would be served by detaining the petitioner in custody any further.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with

evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

24.04.2024
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No