

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 21595 of 2024 (O&M)
Date of Decision: 06.05.2024

Tarlok Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sham Lal Saha, Advocate, for the petitioner.

Mr. Rahul Jindal, Assistant Advocate General, Punjab

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No.56 dated 04.06.2016, under Section 61/1 of Punjab Excise Act, registered at Police Station Lahori Gate, District Patiala, wherein he alongwith co-accused-Karamjit Singh was found in possession of 96 bottles of counter made liquor made “*Mota Santra*”.

[2] Learned counsel for the petitioner submits that earlier the petitioner had been granted the bail but he did not furnish surety bonds and did not appear before the Court concerned on 29.03.2022 and ultimately he was declared proclaimed offender vide order dated 19.02.2024 passed by the trial Court. He further submits that the petitioner is illiterate person and does not know about the proceedings of the Court and his absence before the trial Court was un-intentional; thus, prayer is for grant of regular bail to the petitioner.

[3] Learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner while submitting that the petitioner misused

the concession of bail granted to him and he himself absented intentionally from the Court proceedings so as to delay the matter; thus he was declared proclaimed offender.

[4] I have heard learned counsel for the parties and gone through the paper-book and find substance in the submissions made on behalf of the petitioner.

[5] In the present case, the petitioner is behind the bars since 12.03.2024, i.e. for the last about months and the investigation stands concluded with the filing of challan, followed by framing of charges, however, none of the prosecution witnesses has been examined so far; thus, the conclusion of trial may take some time. Also, the petitioner is not involved in any other case falling under the Excise Act. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

[6] In view of the above, but without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is **allowed** and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the Trial Court / Illaqa Magistrate / Duty Magistrate concerned.

[7] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

May 06, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No