



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CRM-M-27623-2024

Date of decision: 20.08.2024

Giriraj Parsad

.....Petitioner

Versus

The State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 read with Section 482 of the Cr.P.C. in case FIR No.200 dated 19.07.2023 under Sections 420, 467, 468, 471 and 120-B of the IPC and Section 61 of the Excise Act, 1914 registered at Police Station Ateli, District Mahendergarh.

2. Learned counsel for the petitioner submits that the petitioner was not apprehended along with the co-accused who were allegedly transporting liquor from some godown in Rewari to Gujarat; he came to be nominated as an accused in a disclosure statement allegedly suffered by co-accused Dharmender, who stated that recovered bottles of liquor had been loaded into the vehicle at the instance of the petitioner from the warehouse of the petitioner. Learned



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counsel submits that the petitioner has been in custody since 19.08.2023, investigation is complete as challan stands presented and even charges stand framed, however, there is no likelihood of the trial concluding in the near future as 07 prosecution witnesses out of the 13 cited, still remain to be examined. Learned counsel has submitted that in the aforementioned facts and circumstances, moreso, since it is a magisterial trial, further incarceration of the petitioner would serve no useful purpose. It has also been brought to the notice of this Court that co-accused Dharmender who was driving the tempo from which the alleged recovery was effected has already been extended the concession of bail by this Court vide order dated 08.11.2023.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed that the petitioner was not present along with co-accused Dharmender when the aforesaid recovery was effected, however, it has been submitted that the petitioner is the mastermind; the petitioner had rented out private houses where he had been illegally storing illicit liquor which was then transported all the way to Gujarat and even in Gujarat as per the disclosure statement made by co-accused Dharmender, the petitioner had rented out a place for carrying out his illegal activities. Learned State counsel has, however, not disputed the stage of trial and has submitted that the next date fixed before the learned Trial Court is 28.08.2024 when some more witnesses are likely to be examined.

4. I have heard learned counsel for the parties and perused the



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material placed on record.

5. The petitioner has been in custody in a magisterial trial since 19.08.2023. Since there is no likelihood of the trial concluding in the near future moreso when no recovery of any liquor was also effected from the petitioner, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

20.08.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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