

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-31728-2023 (O&M)
Date of Decision:- 31.01.2024

Mithu ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Umesh Aggarwal, Advocate, for the petitioner.
Mr. C.L.Pawar, Addl. AG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
109	30.07.2020	Tarsika, District Amritsar	304, 302, 201, 326, 328, 379, 411, 120-B IPC and Section 61/1/14 of Excise Act, 1914

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of complainant-Veer Kaur wherein it is alleged that her son Kirpal Singh was addicted to liquor and that on 29.07.2020 when she returned home, she saw that her son Kirpal Singh along with two other persons was consuming liquor and when she made inquiries from them as to from where they have procured the same, they disclosed that it is Balwinder Kaur who

supplies liquor to them. It is further alleged therein that in the evening, complainant saw that her son Kirpal Singh was lying dead in the bathroom. Consequently, the FIR came to be lodged against Balwinder Kaur with the allegation that she had been supplying spurious liquor.

3. It is further the case of prosecution that upon arrest of Balwinder Kaur, she disclosed on 01.08.2020 that she and her two sons, namely, Kulwinder Singh and Rajwinder Singh had purchased 20 bottles of illicit liquor from the petitioner. It is further submitted that upon arrest of the petitioner, several ingredients used for preparing illicit/spurious liquor were recovered.
4. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that too on the basis of a disclosure statement which would hardly carry any evidentiary value. It has further been submitted that the prime accused i.e. Balwinder Kaur and 5 other co-accused have already been granted bail and as such the petitioner deserves the same concession on grounds of parity.
5. Opposing the petition, learned State counsel submits that since serious allegations have been levelled in the instant case and as many as 17 persons have lost their lives on account of consumption of spurious liquor, no case for taking a lenient view is warranted. It has however, been informed that the petitioner as on date has been behind bars since the last 3 years and 5 months and that as on date 14 out of cited 183 PWs have been examined. The petitioner is also stated to be involved in 3 other cases registered under the Excise Act.

6. This Court has considered rival submissions addressed before this Court.
7. While, it may be correct that during the course of investigation, the police collected evidence to establish the involvement of the petitioner, however, this Court cannot lose sight of the fact that the petitioner has been behind bars for a substantial period of 3 years and 5 months. Conclusion of trial is nowhere in sight inasmuch as only 14 out of cited 183 PWs have been examined. In these circumstances, the petitioner cannot be kept behind bars for an indefinite period. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

31.01.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasonedYes / No

Whether ReportableYes / No