

ASHOK KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Ramnesh Puri, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

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

FIR No.	Dated	Sections	Police Station
53	28.03.2024	420, 467, 468, 471, 120-B IPC (61(1) (a) Punjab Excise Act, 1914 (Haryana Amendment Bill 2020)	Rozka Meo, District Nuh

2. Arguments heard.
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. He contends that the petitioner is in custody since 28.03.2024 and the recovery

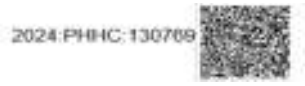


has already been effected, and after completion of investigation challan has already been presented in Court in the present case triable by the Court of Magistrate, as such the petitioner is not required for further investigation, hence he prays for grant of bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has assailed these arguments by submitting that the petitioner was found carrying in his vehicle 77 boxes of liquor on forged invoices and has around 20 cases pending against him, as such he is not entitled for concession of bail.

5. After considering the rival contentions and perusing the record, it transpires that the petitioner allegedly a truck driver of the vehicle was carrying 77 boxes of liquor when apprehended by the police and the documents carried by him were found to be not genuine. He was arrested on 28.03.2024 and since then he is in custody, and after completion of investigation, challan has already been presented in Court wherein prosecution has cited 23 witnesses out of which 3 witnesses have been examined till date. So far as the other cases pending against the petitioner are concerned, it is pointed out by learned counsel for the petitioner that in 16 cases the petitioner has since been acquitted while 4 cases are pending trial. The possible recovery has already been effected from the petitioner and the conclusion of trial, to ascertain criminal liability, if any of the petitioner in the present case triable by the Court of Magistrate, will take sufficient long time.

6. In these circumstances, 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

01.10.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |