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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37186-2023
Date of decision:- 01.02.2024

BADAL

....Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Sandeep Sharma, Advocate for the petitioner.
Mr. Harpreet Singh, Addl. AG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed status report by way of affidavit dated 11.12.2023 of Deputy Superintendent of Police, Sub Division City Batala, Police District Batala, the same is taken on record. Copy thereof has been supplied to the counsel opposite.

2. 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
201	31.07.2020	304, 328, 120-B IPC and 61-1-14 of the Punjab Excise Act (302 IPC added lateron)	City Batala, Police District Batala, Gurdaspur

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 petitioner was not named in the FIR but later on nominated on the disclosure statement made by co-accused Triveni Chauhan on 02.08.2020 (Annexure P-2). He contends that the said disclosure statement would show that it was co-accused Gurbinder Singh alias Gobinda who had given the alleged illicit liquor to the co-accused Triveni Chauhan due to which many persons had died after consuming the same. He further submits that prosecution has cited 68 witnesses and out of them 32 witnesses have been examined so far, petitioner is in custody since 02.08.2020 and no specific role has been attributed to the petitioner as such he prays for grant of concession of bail to the petitioner.

4. Learned State counsel contends that considering the nature and gravity of the case petitioner is not entitled for concession of bail. However he has not controverted the factual matrix of the case.

5. After considering the rival contentions and going through the record, it transpires that petitioner was roped in the case on the disclosure statement made by co-accused Triveni Chauhan on 02.08.2020 (Annexure P-2) and no specific role has been attributed to the petitioner. The petitioner is in custody since 02.08.2020, challan has already been presented in Court, and prosecution has cited 68 witnesses and out of them 32 witnesses have been examined so far, meaning thereby, the petitioner is not required for further interrogation. The conclusion of trial in the present case to ascertain criminal liability, if any, of the petitioner may take sufficient long time and no useful purpose would be served by keeping the petitioner behind bars any longer.

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

01.02.2024

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