

VISHAL

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, (BNSS) for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
139	11.08.2019	61 of Punjab Excise Act, 1914	Bhogpur, District Jalandhar Rural

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 FIR (Annexure P-1). He contends that the petitioner has no concern with the alleged recovery nor anything was recovered from him and he was granted



concession of anticipatory bail vide order dated 26.08.2019 passed by learned Additional Sessions Judge, Jalandhar and thereafter the police had presented challan on 09.07.2020 in his absence. He contends that no notice thereafter was received by the petitioner regarding the filing of the challan and was declared as proclaimed person in the case vide order dated 20.04.2023, however on coming to notice of such order, the petitioner surrendered in the Court on 12.04.2024 and since then he is in custody. He contends that challan has already been presented in Court and conclusion of trial will take sufficient long time, as such, he prays for grant of bail to the petitioner.

4. *Per contra*, learned State counsel referring to the pairvi report submits that the instant FIR was registered on the basis of secret information and from the car driven by the petitioner illicit liquor was recovered, however the petitioner could not be apprehended and later on was granted concession of anticipatory bail. He has admitted that no recovery was effected from the petitioner and presently the petitioner is in custody since 12.04.2024 on account of being declared as proclaimed offender in the case, hence, he prays for dismissal of the petition.

5. After considering the rival contentions and perusing the record, it is observed that the instant case was registered against the petitioner for offence under Section 61 of the Excise Act on the basis of secret information, however, the petitioner was granted concession of anticipatory bail vide order dated 26.08.2019 passed by learned Additional Sessions Judge, Jalandhar. Admittedly, no recovery has been effected from the petitioner and the challan was presented after completion of investigation in Court in the



absence of petitioner by the police. The fact remains that he was declared proclaimed person in the case vide order dated 20.04.2023 and he surrendered on 12.04.2024 since then he is in custody. The challan has already been presented in Court and conclusion of trial will take sufficient long time in the present case triable by the Court of magistrate.

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

23.10.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |