



CRM-M-44296-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44296-2024
Date of decision: 12.09.2024

Balkar Singh Petitioner

Versus
State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Akshay Kumar Dahiya, Advocate with
Mr. Deepak Dahiya, Advocate for the petitioner.

GURBIR SINGH, J (ORAL)

1. This petition that has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.42 dated 23.02.2024 under Sections 420, 120-B of IPC (Section 201 of IPC added later on) and Section 61 of Punjab Excise Act (Act No:1 of 1914) registered at Police Station Sanoli, District Panipat.
2. As per the prosecution case, on the night intervening 22/23.02.2024, a police party headed by SI Krishan received a secret information that the truck bearing registration No.HR-58C-8843, containing illicit liquor in huge quantity was parked in front of the BDPO Office, Grain Market, Sanoli and if immediate raid is conducted, the same could be apprehended. As per the information, police party reached the spot and found the truck standing there. No person in or around the said truck was found. Emergency rescue vehicle was asked to keep a guard on the truck. Till morning, police party waited for driver or owner of the truck to come there but nobody came. On the basis of name and mobile number as

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mentioned on the truck, Sudama-co-accused was contacted along with one Bhagat Singh and both were asked to come to the spot. Information was also conveyed to the Excise Inspector, District Panipat. The vehicle owner Sudama did not come despite intimation. The seals of the door of the container were broken and it was found that sacks and bags of rotten peanut were lying there but on removing the same, 951 crates of different brands of English liquor, bearing stickers of “CHD, CHANDIGARH” and the label of “SALE FOR CHANDIGARH” were found. Samples were drawn and the container as well as the liquor were taken into possession.

2.1 During investigation, the owner of truck-Sudama was joined the investigation and on interrogation, he disclosed that he had given on hire the seized truck to Balkar Singh-petitioner.

3. Learned counsel for the petitioner submits that co-accused Satender@ Bhandari, Sandeep@Bhola and Sudama have already been granted the concession of regular bail by the Co-ordinate Bench of this Court vide order dated 24.07.2024. He further submits that petitioner has been implicated in the present case on the basis of the disclosure statement made by the co-accused, namely, Sudama, owner of the truck. No recovery has been effected from the petitioner. The petitioner is in custody since 29.02.2024 and he is entitled for bail.

4. Notice of motion.

5. Mr. Rajiv Sidhu, DAG, Haryana. appears and accepts notice on behalf of the respondent-State. Learned State counsel has opposed the bail



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to the petitioner on the ground that the petitioner had arranged the truck from which 951 crates of different brands of English liquor were recovered. Had the petitioner not arranged the truck then the co-accused would not have able to take away the liquor in the said quantity in illegal manner. The offence has been committed with the connivance of the petitioner. He fairly admits that the petitioner is in custody since 29.02.2024; no recovery has been effected from him and the co-accused(s) have already been granted the concession of bail.

6. Without commenting on the merits of the case and considering the fact that the petitioner is in custody since 29.02.2024; the petitioner has been nominated on the basis of the disclosure statement of the co-accused; no recovery has been effected from the petitioner; the completion of trial will also take a long time to decide the culpability of the appellant, so no useful purpose would be served by keeping the appellant behind bars for a long period.

7. Thus, without commenting upon the merits of the case, the present appeal is allowed and the appellant is directed to be released on bail, on her furnishing bail bonds/surety bonds, to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, concerned.

8. Pending application, if any, shall also stand disposed of.

(GURBIR SINGH)
JUDGE

12.09.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No