



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

246

CRM-M-44804-2024

Date of decision: October 23rd, 2024

Shailender

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.200 dated 19.07.2023 under Sections 420, 467, 468, 471, 120-B of the IPC and Sections 61/4/20 of the Punjab Excise Act, 1914 registered at Police Station Ateli, District Mohindergarh.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner, who has now been in custody since 16.08.2023, has been falsely implicated in the case in hand; and that too on the basis of a disclosure statement allegedly suffered by co-accused Dharinder, from whom a recovery of 1452 bottles of illicit liquor was effected pursuant to a secret information, and who has since been extended the concession of bail by this Court vide order dated 08.11.2023. Learned counsel while drawing the attention of this Court to the FIR, which has been annexed as



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Annexure P-1, further submits that neither was the petitioner named in the secret information nor any role attributed to him therein. It has been further submitted that when the petitioner was arrested even at that point in time, no recovery of any illicit liquor was effected. A prayer has, therefore, been made to enlarge the petitioner on bail more so, since investigation is complete and charges also stand framed.

3. *Per contra*, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed that the petitioner was not named in the secret information nor any recovery much less of illicit liquor effected from him when he was arrested on 16.08.2023. However, he submits that the petitioner is involved in smuggling illicit liquor to the State of Gujarat.

4. I have heard learned counsel for the parties and perused the material placed on record

5. The petitioner has been in custody in a magisterial trial since 16.08.2023. Since there is no likelihood of the trial concluding in the near future, coupled with the fact that no recovery of any liquor was also effected from the petitioner, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.



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7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

October 23rd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No