

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-50324-2023

Date of Decision:-11.03.2024

Nishar Aalam.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Baljeet Beniwal, Advocate for the Petitioner.

Mr. Deepinder Singh Brar, Senior Deputy Advocate General,
Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.217 dated 01.06.2013 under Sections 420, 467, 468, 471, 120-B IPC and 61(1) A-4-2020 Excise Act, 1914 registered at Police Station Chandhut, District Palwal, Haryana.

2. The brief facts of the case are that the petitioner came to be apprehended with illicit liquor pursuant to which the instant FiR came to be registered. During interrogation he disclosed the name of his co-accused Juber (since granted bail vide order dated 18.09.2023 by ASJ, Palwal Annexure P-2).

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, he was an uneducated person and was carrying all the relevant documents but has been made to sign blank papers. As he was a first time offender, in custody since 01.06.2023 and none of the 13 PWs had been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The learned State counsel on the other hand contends that 510

boxes of liquor came to be recovered from the truck being driven by the petitioner. The number plate and the RC of the truck were found to be forged. Therefore, he was not entitled to the concession of bail. He however, concedes that that the petitioner was a first time offender, in custody since 01.06.2023 and that none of the 13 Pws have been examined so far.

5. I have heard the learned counsel for the parties.
6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 01.06.2023 and none of the 13 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.
7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Nishar Aalam son of Sh. Mohd. Bashir is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
9. The petition stands disposed of.

(JASJIT SINGH BEDI)

JUDGE

March 11, 2024

Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No