

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-54156-2023 (O&M)
Date of Decision:- 12.01.2024

RAMESH KUMAR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Ajay Kumar Sheoran, Advocate for the petitioner.

Mr. Vishal Malik, DAG Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
191	12.06.2023	420, 120-B, 467, 468, 471 of IPC; 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020)	Khol, District Rewari

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He submits that the petitioner is in custody since 12.06.2023 and challan has already been presented in Court. Learned counsel submits that the petitioner is not facing any other criminal case, as such he prayed for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel has opposed the bail petition

by arguing that the petitioner was driving the canter from which recovery of liquor was effected and the petitioner had no permit or licence for the same. However, learned State counsel has admitted the fact that petitioner is not facing any other criminal case and challan has already been presented in Court.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that on the basis of secret information, the canter driven by the petitioner was stopped by the Police, from which bottles containing liquor were recovered, which were meant for sale in the State of Punjab only and the petitioner could not produce any licence or permit for the same. Admittedly, the petitioner was arrested on 12.06.2023 and after the conclusion of investigation, challan was presented in Court where charges have been framed, however, out of 12 witnesses cited by the prosecution, none has been examined till date in the case triable by the Court of Magistrate. The criminal liability, if any, of the petitioner could only be determined after the conclusion of trial, which may take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer, specially when he is not facing any criminal case.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate 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.
8. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)

JUDGE

12.01.2024

S.Sharma(syr)

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