



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55082-2023 (O&M)

Date of decision : 05.08.2024

Dharmender @ Raju and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ram Kumar Saini, Advocate for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioners in FIR No. 316 dated 11.08.2023, under Section 61(1) (a) of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2000); and Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860 (for short, 'the IPC'), registered at Police Station Farrukh Nagar, District Gurugram.

2. Allegations are that petitioners were apprehended along with truck; and upon checking of same, illicit liquor boxes of different makes were recovered i.e. 138 cartons of liquor bottles make Royal Stag, 116 cartons of liquor bottles make Royal Challenge, 146 cartons of liquor bottles make McDowell SNo.1 and 300 cartons of quarter bottles make McDowell Sno.1.

3. Learned counsel for the petitioners contends that petitioners were granted interim bail by this Court on 09.11.2023 and in pursuance thereof, they are regularly appearing before learned trial Court. Further submits that there is no allegation that petitioners are likely to misuse the concession or hamper the proceedings in any manner.



4. Learned State Counsel, on instructions from quarter concerned, has acknowledged the above factual position and submits that petitioners are regularly appearing before learned trial Court. He also acknowledged that petitioners have not misused the concession of interim bail granted by this Court on 09.11.2023; but he has opposed the prayer for bail at this stage.

5. Heard learned counsel for both the sides and perused the paper book.

6. This Court, granted interim bail to the petitioners on 09.11.2023, in the following manner:-

“ Contends the petitioners are in custody since 11.08.2023. After investigation, challan/report under Section 173 Cr.P.C. was presented on 03.10.2023.

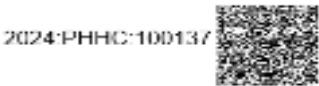
Further contends that there is no other criminal case pending against the petitioners.

Learned State counsel seeks time to verify the above factual position.

Posted on 22.01.2024.

Till the next date of hearing, petitioners are ordered to be released on interim bail furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

7. Learned State counsel has duly acknowledged that petitioners are regularly appearing before learned trial Court and there is no allegation that in case, interim bail is made absolute, they are likely to misuse the concession or hamper the proceedings in any manner. In such a scenario, sending the petitioners to custody at this stage would not serve any purpose.



8. Consequently, present petition is allowed. Interim bail granted to the petitioners, vide order dated 09.11.2023, is made absolute. They shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. Petitioners shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).
10. The above observations may not be construed as an expression of opinion on the merits of the case.
11. It is clarified that in case there is any misuse of concession by the petitioners, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

05.08.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No