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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-56730-2023 (O&M)

Date of decision : 20.09.2024

Harpreet Singh @ Happy

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Mr. Ajaib Singh, Addl.A.G., Punjab,
assisted by ASI Jatinder Singh.

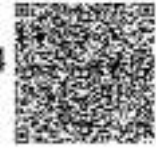
MAHABIR SINGH SINDHU, J.

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.59 dated 13.08.2023, under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Mehta, District Amritsar Rural.

2. Allegations are that on the basis of secret information, raid was conducted on 13.08.2023; and 01 working stove, 50 kg. *lahan* along with 01 bottle containing 750 ML of illicit liquor were recovered from the possession of petitioner.

3. There is no assistance on behalf of the petitioner.

4. Learned State Counsel, on instructions, submitted that petitioner was granted interim bail by this Court on 06.03.2024 and he is regularly appearing before learned trial Court. Also fairly



acknowledged that there is no apprehension that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner.

5. Heard learned State counsel and perused the paper book.

6. It is a matter of record that petitioner was granted interim bail by this Court on 06.03.2024 and the order reads as under:-

“Contends that petitioner is in custody since 13.08.2023 and after investigation, report under Section 173 Cr.P.C. has already been submitted on 16.10.2023; but, charges are yet to be framed.

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

Posted on 29.05.2024.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. It is acknowledged by learned State counsel that in terms of the aforesaid order, petitioner was released on interim bail and he is regularly appearing before learned trial Court; there is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in case his interim bail is made absolute; therefore, sending the petitioner to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 06.03.2024, is made absolute. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.



9. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).
10. Above observations be not construed as an expression of opinion on merits of case, in any manner.
11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.
12. Pending application(s), if any, shall also stand disposed off.

20.09.2024
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(MAHABIR SINGH SINDHU)
JUDGE

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