

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58369-2023 (O&M)

Date of Decision: 28.02.2024

Gurbinder Singh @ Gobinda ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Maan Akashdeep Singh & Mr. Mohit Sharma,
Advocates, for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab,
assisted by ASI Shankar Singh.

FIR No.	Dated	Police Station	Section/s
109	30.07.2020	P.S. Tarsikka, District Amritsar Rural	Sections 304 IPC and Section 61 of the Punjab Excise Act (Sections 302, 201, 326, 328, 120-B, 379, 411 IPC added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of complainant-Veer Kaur, wherein it is alleged that her son Kirpal Singh was addicted to liquor and that on 29.07.2020 when she returned home, she saw that her son Kirpal Singh along with two other persons was consuming liquor and when she made inquiries from them as to from where they have procured the same, they disclosed that it is Balwinder Kaur, who supplies liquor to them. It is

further alleged therein that in the evening, complainant saw that her son Kirpal Singh was lying dead in the bathroom. Consequently, the FIR came to be lodged against Balwinder Kaur with the allegation that she had been supplying spurious liquor.

3. It is further the case of prosecution that upon arrest of Balwinder Kaur, she disclosed on 01.08.2020 that she and her two sons, namely, Kulwinder Singh and Rajwinder Singh had purchased 20 bottles of illicit liquor from the petitioner apart from another 20 bottles from co-accused Mithu. It is further alleged that upon arrest of the petitioner, several ingredients used for preparing illicit/spurious liquor were recovered.
4. Learned counsel for the petitioner submits that he is nowhere named in the FIR and came to be nominated subsequently on the basis of disclosure statement of co-accused Balwinder Kaur, which would hardly carry any evidentiary value. It has further been submitted that the petitioner has been behind bars since the last more than 3 ½ years and since the trial is proceeding at snail's pace, the petitioner deserves to be released on bail particularly on grounds of parity as all other co-accused are already on bail.
5. Opposing the petition, learned State counsel has submitted that the petitioner is one of the prime accused indulging in preparing and selling spurious liquor, which resulted in death of large number of people and as such, no sympathy can be shown to the petitioner. Learned State counsel has, however, not disputed that the petitioner has been behind bars since the last more than 3 ½ years. It has been informed that while the

prosecution has cited as many as 183 PWs, but as on date only 16 PWs have been examined. Learned State counsel has also informed that the petitioner happens to be involved in large number of cases including cases for offence under Section 302 IPC.

6. This Court has considered rival submissions.
7. Without commenting anything as regards the merits of the case, but while noticing the long custody of the petitioner and the fact that conclusion of trial will take some time inasmuch as only 16 PWs out of cited 183 PWs have been examined till date, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.02.2024

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**