

244

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

CRM-M-625-2025

Date of Decision:15.01.2025

MANOJ KUMAR

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Devender Arya, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS, 2023 with a prayer to grant regular bail to him in case FIR No.113 dated 28.09.2024, registered under Section 61 of Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) and 61(1) of BNS, 2023 (Sections 318(4), 338, 336 (3), 340(2) of BNS Act, 2023 added later on), Police Station Rohdai, District Rewari.

2. Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR and has been nominated on the basis of the disclosure statement suffered by Anil, co-accused. He further contends that



even as per the case of the prosecution, the petitioner was only present at the place, from where the recovery of the illicit liquor was effected by the officials. Learned counsel further contends that the petitioner was arrested in the present case on 28.09.2024 and challan against him has already been presented before the competent Court.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner was found present at the spot, from where the recovery was effected. Even he was arrested alongwith other accused from the spot itself. He further submits that the petitioner is facing 6 more criminal cases and does not deserve the concession of bail.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. No doubt the petitioner is found involved in 6 other criminal cases, but the same is not the ground to deny the concession of bail to the petitioner, specially when he has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. Reliance can also be placed in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** in which the Hon'ble Supreme Court has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of ***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another 2012(1) R.C.R. (Criminal) 586.***

6. The petitioner was arrested in the present case on 28.09.2024 and after conclusion of the investigation, the challan has already been presented



against him. Moreover, no witness has been examined so far and the conclusion of the trial may take quite a long time. Thus, no purpose will be served by keeping the petitioner behind the bars.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

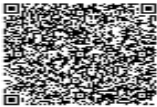
(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.



8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

15.01.2025
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(N.S. SHEKHAWAT)
JUDGE

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