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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-5470-2025
Date of decision:-22.05.2025

SURAJ

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Rosi, Advocate, for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

SANJIV BERRY, J.(ORAL)

Ms. Rosi, Advocate has put in appearance on behalf of the petitioner and filed Vakalatnama and No objection from previous counsel, the same are taken on record.

2. Learned State counsel has filed reply by way of an affidavit dated 17.02.2025 of Deputy Superintendent of Police, Tauru along with custody certificate dated 21.05.2025, the same are taken on record, copies thereof, have been supplied to the counsel opposite.

3. The instant petition has been preferred by the petitioners under 439 of the Code of Criminal Procedure, for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
244	08.09.2024	318(4), 338, 336(3), 340, 61, 223(a),	Sadar Tauru,



		316(2) of BNS, 2023 and 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020)	District Nuh (Mewat)
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4. Arguments heard.
5. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. She contends that the petitioner happens to be the driver of the truck carrying liquor, he had no concern with the liquor carried in the truck as it was only for the purpose of transportation. She contends that the alleged recovery has already been effected and the petitioner is in custody since 09.09.2024, after completion of investigation, challan has already been presented in court and it will take much time for disposal of trial in the present case triable by the Court of magistrate, Hence, prayed for grant of concession of bail to the petitioner.
6. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition on the ground that considering the nature and gravity of offence, petitioner is not entitled to concession of bail. Hence prayed for dismissal of the bail petition.
7. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution the petitioner was apprehended driving the truck carrying liquor which was being transported on fake bills. The recovery has already been effected at the spot and after completion of investigation, challan has already been presented in Court wherein prosecution has cited 16 witnesses and till date none of them have been examined. The petitioner is not having any criminal antecedents and is



in custody since 09.09.2024. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time, in the case triable by the Court of Magistrate, as such, no purpose would be served by detaining the petitioner in custody any longer.

8. Resultantly, 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 furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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 the evidence of the prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

22.05.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |