



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

CRM-M-6780-2025

Date of Decision: 28.04.2025

Joga Ram

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Vikas Bishnoi, 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 B.N.S.S with a prayer to grant regular bail to him in case FIR No. 520, dated 22.12.2024, registered under Sections 318(4) of BNS and Section 61(1) (a) of Punjab Excise Act (Haryana Amendment Bill, 2020) but during investigation Sections 336(3), 338, 340(2) of BNS and Section 61-1-vi—20 of Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), Police Station Agroha, District Hisar.

2. As per the case of the prosecution, on 22.12.2024, the police had taken a truck into his possession, in which 700 boxes of liquor were being transported by the present petitioner. As per the prosecution, the number plate of the vehicle was smeared with mud and even it was found that the vehicle was carrying fake registration number. Further, even the batch number of the liquor and its date of production were found to be removed from the boxes and the

FIR was registered against the petitioner in the present case.

3. Learned counsel for the petitioner contends that the police had named the petitioner only on the basis of suspicion and no recovery was effected from the possession of the petitioner. Further, the petitioner was a daily wager driver and was driving the truck of a transporter. Thus, the petitioner had no knowledge with regard to the presence of liquor in the truck. The petitioner was arrested in the present case on 22.12.2024 and the challan has already been presented against him. Learned counsel further contends that the case is primarily based on the statements of official witnesses and he is not in a position to tamper with the prosecution evidence.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that in the past also, the petitioner was involved in 19 cases, however, he has been acquitted in 07 cases and the remaining cases are still pending against him.

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

6. It is not in dispute that the petitioner was arrested in the present case on 22.12.2024 and the challan has already been presented against him. The petitioner can never be confined in jail for an indefinite period as the Hon'ble Supreme Court in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** 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***. Moreover, the police had allegedly recovered

700 boxes of liquor from the present petitioner and there is no report to indicate that the liquor was spurious.

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.

28.04.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No