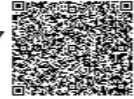


CRM-M-10812-2025 (O&M)

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

2025:PHHC:069467



**CRM-M-10812-2025 (O&M)
DATE OF DECISION : 22.05.2025**

RAJU

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. J.S.Dadwal, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG Haryana with
ASI Chaman.

* * *

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present 2nd petition praying for grant of regular bail in case FIR No.225 dated 07.09.2024 under Section 61(1)(a) of Excise Act, 1914 and under Section 111(2)(b) of the BNSS 2023 registered at Police Station Udyog Vihar, District Gurugram, Haryana.

2. Succinctly, facts of the case are that the police on 07.09.2024 received a secret information to the effect that Raju Kumar s/o Jimmedar Singh was going from Gurugram to Delhi with illegal liquor in his pick-up vehicle bearing No. DL-1LW-5763 and if barricading is laid, then he can be arrested along with the illegal liquor. On receiving the secret information, the raiding team was constituted and reached at the place where the pick-up vehicle as informed, was seen coming and the same was stopped. The driver of the vehicle, on asking, disclosed his name to be Raju Kumar. The search of the vehicle was conducted and 4750 quarters of liquor were recovered.

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The petitioner Raju Kumar failed to produce any licence regarding the possession of the same and thus, he was arrested on the spot. On registration of FIR, investigation commenced. On conclusion of investigation, challan was presented and on framing of charges, trial commenced. The petitioner approached the trial Court praying for grant of bail. However, the same was declined by the learned Addl. Sessions Judge, Gurugram vide order dated 01.10.2024. Aggrieved, the petitioner had approached this Court by way of filing a petition for bail the same was dismissed as withdrawn vide order dated 12.11.2024. Hence, the petitioner has again approached this Court praying for grant of bail by way of filing the present second petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that the FIR has been lodged on the basis of secret information, however, no independent witness was joined. No ruqa was also sent on receiving the secret information. He submits that the petitioner is behind bars since the date of his arrest and the material witnesses already stand examined. He submits that in the facts and circumstances of the case, petitioner deserved the concession of bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is a habitual offender. He is facing prosecution in 5 more FIRs. On instructions, he submits that out of 22, 18 prosecution witnesses already stand examined.

5. After hearing counsel for the parties and perusing the record, it is inferred that the petitioner is behind bars since the date of his arrest i.e. 07.09.2024. Learned counsel for the petitioner submits that though the petitioner is prosecuted in 5 other FIRs but he is on bail in those cases. In

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the present case, out of 22, 18 prosecution witnesses stand examined. The material witnesses already stand examined.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

22.05.2025

Janki

(RAJESH BHARDWAJ)
JUDGE

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