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CRM-M-51895-2025 (O&M)

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

CRM-M-51895-2025 (O&M)

Date of decision: 01.12.2025

MITHUN

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Geeteshwar Saini, Advocate
for the petitioner.

Mr. Amit Shukla, DAG Punjab.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

CRM-37139-2025

This is an application filed under Rule 3-A(I) Chapter VI Part B, Vol V of the High Court Rules and Orders for grant of leave to file the present petition.

For the reasons mentioned in the application, same is allowed as prayed for.

Main Case

1. Prayer in the instant petition filed under Section 439 Criminal Procedure Code is for grant of regular bail to the petitioner in case FIR No.84 dated 01.08.2025 registered under Sections 61-1-14 of Punjab Excise Act and Sections 123, 62 and 111 of BNS, 2023 at Police Station Shahpur Kandi, District Pathankot (Annexure P-1).



2. Brief facts of the present case as per the prosecution are that, ASI Surinder Kumar along with fellow police officials on 01.08.2025 were on a patrolling duty and on a secret information conducted a raid at the house of the petitioner from whose possession 35 bottles of illicit liquor was recovered. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case at the behest of local political leader and he has no concern with the said offence. He argues that a false recovery has been planted upon the petitioner and nothing more is to be recovered. The petitioner is in custody since 01.08.2025. The investigation in the case is complete, challan is yet to be presented, as such trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the custody certificate as well as status report, which are taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and he was apprehended at the spot with the illicit liquor. He has further submitted that the petitioner is involved in multiple cases meaning thereby he is a habitual offender.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 03 months, investigation is complete; challan is yet to be presented and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioner in further custody. His continued detention without the prospect of trial being concluded in near



future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail



bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

01.12.2025
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(RUPINDERJIT CHAHAL)
JUDGE

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