



CRM-M-35104-2025

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

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**CRM-M-35104-2025
Decided on :11.07.2025**

Ajay Kumar

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kamal Narula, Advocate for the petitioner.

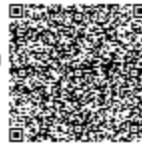
Mr. Manjinder Singh Bhullar, DAG, Punjab

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS seeking regular bail in case FIR No.53 dated 15.05.2025, under Section 61 of Punjab Excise Act, 1914 and Sections 123, 62 of BNS, registered at Police Station Sadar Jalalabad, District Fazilka.

2. Learned counsel for the petitioner submits that recovery of 80 litres of lahan has been effected from the possession of the petitioner. He further submits that the offence alleged under Section 61 of the Punjab Excise Act is triable by a Magistrate. Counsel also submits that the petitioner has been in custody since 15.05.2025, and the trial is likely to take considerable time as the process of recording statements of prosecution witnesses has not yet commenced.

With regard to the alleged non-consumable nature of the lahan, counsel contends that it is not even the case of the prosecution that



the substance was administered to anyone or that there was any attempt by the petitioner to do so. Thus,. Counsel prays for grant of regular bail.

3. While opposing the prayer for bail, learned State Counsel submits that the petitioner is habitual in committing offences of a similar nature, being accused in eight other cases involving analogous charges. However, learned State Counsel could not indicate whether the petitioner has been convicted in any of these cases. It is further submitted that granting bail to a habitual offender would send the wrong signal to society. Therefore, prays for dismissal of the present petition.

4. Having considered the submissions of learned counsel for the parties, and upon perusal of the record, it is an admittedly undisputed fact that recovery of 80 litres of lahan has already been effected, and that charges are yet to be framed. It is also not in dispute that the offence involved is triable by the Court of learned Magistrate. In view of the above, this Court finds merit in the prayer of the petitioner.

This Court is of the considered view that the petitioner, who has been in custody since 15.05.2025 deserves a fair opportunity to seek rehabilitation and reintegration into society. Without expressing any opinion on the merits of the prosecution's case, and noticing the fact that recording of statements of prosecution witnesses is yet to commence, this Court is of the opinion that the petitioner's personal liberty ought not to be curtailed unnecessarily, particularly when the trial is likely to take considerable time to conclude.

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5. Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

6. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

7. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

8. Petition stands disposed of.

**(SANJAY VASHISTH)
JUDGE**

11.07.2025*Rashmi*

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No