

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

- (I) CRM-M-13294-2019 (O&M)
Date of Decision:17.7.2019
- NARENDER SINGHPetitioner
- Versus
- STATE OF HARYANARespondent
- (II) CRM-M-22391-2019
- SANJAY SHARMAPetitioner
- Versus
- STATE OF HARYANARespondent
- (III) CRM-M-22582-2019
- BRAHAM PAL @ BRAHAM BABAPetitioner
- Versus
- STATE OF HARYANARespondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Gautam Dutt, Advocate with
Mr. Sahil Goel, Advocate
for the petitioners in **CRM-M-13294-2019**.

Mr. Mazush Khan, Advocate
for the petitioner in **CRM-M-22391-2019**.

Mr. Sourabh Arora, Advocate
Mr. Sahil Goel, Advocate
for the petitioner in **CRM-M-22582-2019**.

Ms. Aditi Girdhar, AAG, Haryana
assisted by ASI Sunil Kumar.

GURVINDER SINGH GILL, J. (ORAL)

1. This order shall dispose of the aforementioned petitions filed on behalf of Narender Singh, Sanjay Sharma and Braham Pal @ Braham Baba seeking regular bail in respect of FIR registered against them vide FIR No.91 dated 27.2.2016 under Sections 420, 467, 468 & 471 of the Indian Penal Code, 1860 and Section 61 of the Punjab Excise Act, 1914 registered at Police Station Gannaur, District Sonapat.
2. The allegations, in nutshell, are that the aforementioned FIR was registered on the basis of a secret information that in factory No.47 of HSIDC, Barhi, illicit country made liquor i.e. Malta make was being prepared in huge quantity and if raid is conducted, the persons who are preparing it, can be caught red-handedly. The process of making illicit liquor is being carried out during the night. On the basis of said information, telephonic information was sent to the Excise Department and Sh. Sanjay Kumar, AETO and Jai Bhagwan, Inspector, reached at HSIDC Barhi. A raiding party was constituted which reached at the factory. The team peeped into the factory through the window and found that 4/5 persons were

filling the bottles with machine and then labelling and packing the same in the boxes. In the meantime, a canter No.HR-58-4664 was found loaded with boxes of liquor in the factory and another canter No.HR-40-C-0220 was found loaded with empty bottles, caps, labels etc. After knocking at the doors, when the gates of the factory were opened, all the persons standing around the machines were apprehended with the help of officials. The apprehended persons disclosed their identity one by one. Accused Deepak disclosed that this entire work was of Narender i.e. petitioner, resident of Shamri, who started the work at night and went away and Narender shall come to supply the liquor after being loaded in the vehicles. When all the apprehended persons were asked about the permit or licence for making country made liquor make Malta, they disclosed that they have no such permit or licence. The apprehended persons disclosed their identities as Deepak, Vikas alias Vipin, Vijay alias Viju and Chandan Kumar. It is further case of prosecution that as many as 522 boxes of country made liquor were recovered from the factory premises as well as from the truck.

3. Learned counsel for the petitioner-Narinder Singh submits that the petitioner has falsely been implicated in the present case and was never arrested or found at the spot. It has been submitted that he is sought to be implicated on the premise that he is owner of the factory premises whereas in fact the factory was being run by Deepak who had taken it on lease.

4. Learned counsel for the petitioner-Sanjay Sharma has submitted that he is neither named in the FIR nor was arrested at the spot and is nominated on the basis of disclosure made by co-accused Narinder Singh who has stated that Sanjay Sharma is also involved with him.
5. Learned counsel for the petitioner-Braham Pal @ Braham Baba has submitted that he is neither named in the FIR nor was arrested at the spot and is being nominated on the basis of disclosure statement of Narinder Singh wherein he has stated that the petitioner was supplying labels and caps of the bottles in which the country made liquor was being illegally packed and sold.
6. Opposing the petitions, learned State counsel has submitted that since huge recovery was effected in the present case and the petitioners are not merely carriers but were into distilling illicit liquor in large scale, no case for grant of bail is made out. It is further been pointed out that while Narinder Singh is involved in two other cases, the other two accused namely Sanjay Sharma and Braham Pal @ Braham Baba are involved in one case each. It has however been submitted that the petitioner Narinder Singh is in custody since last about 6 months and the other two petitioners are in custody since last about 5 months. It has been informed that although charges have been framed but not even a single PW out of cited 23 PWs has been examined.
7. Having considered rival contentions addressed before this Court

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and while bearing in mind the nature of offences for which the petitioners have been booked and also that despite the petitioners having been behind bars since last about 6 months, not even a single PW out of cited 23 PW has been examined, in my opinion, no fruitful purpose would be served by further detaining the petitioners behind bars. The petitions, as such, are accepted and it is ordered that petitioners be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(GURVINDER SINGH GILL)
JUDGE

17.7.2019
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No