

103

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6387-2021
Date of Decision: 09.12.2021

Anil Malik
Vs.
State of Haryana

.....Petitioner
....Respondent

2.CRM-M-11321-2021

Anil Malik
Vs.
State of Haryana

.....Petitioner
....Respondent

3.CRM-M-7948-2021

Anil Malik
Vs.
State of Haryana

.....Petitioner
....Respondent

4.CRM-M-9881-2021

Anil Malik
Vs.
State of Haryana

.....Petitioner
....Respondent

5.CRM-M-12146-2021

Anil Malik
Vs.
State of Haryana

.....Petitioner
....Respondent

6.CRM-M-14614-2021

Anil Malik
Vs.
State of Haryana

.....Petitioner
....Respondent

7. CRM-M-14624-2021

Anil Malik		Petitioner
	Vs.	
State of Haryana		Respondent

8. CRM-M-17004-2021

Anil Malik		Petitioner
	Vs.	
State of Haryana		Respondent

9. CRM-M-14057-2021

Anil Malik		Petitioner
	Vs.	
State of Haryana		Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Gursimran Singh, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

These are 9 petitions in which a single petitioner is seeking to be admitted to 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C. in the context of 9 different FIRs registered in different police stations of District Sonapat, all essentially alleging therein the commission of offences punishable under the provisions of Sections 3 and 61 of the Excise Act, 1914 (as applicable to the State of Haryana), with some cases

also alleging therein the commission of offence punishable under Sections 120-B/272/328/420/467/468/471 etc. of the IPC, with there also being an allegation in some cases of the commission of offences punishable under Section 304 and 307 of the IPC.

On November 22, 2021, the following order had been passed by this court:-

“Learned counsel for the petitioner in all these 09 petitions submits that as a matter of fact the petitioner has already been arrested in the context of two FIRs registered against him under similar provisions of the Punjab Excise Act, 1914 (as applicable to the State of Haryana), but yet, he would be seeking time to address arguments in the context of these petitions as he submits that if the petitioner is admitted to bail under the provisions of Section 439 in those cases, then these petitions cannot be deemed to have been rendered infructuous.

On his request, adjourned to 09.12.2021.

The interim order passed in the context of some of these petitions would continue to enure till the next date of hearing.

To be shown in the urgent motion list.

A common status report to be filed by a gazetted officer on behalf of the respondent-State in the context of all FIRs registered against the petitioner.

A photocopy of this order be placed on the file of the other connected case.”

Today, a status report dated 07.12.2021 has been filed by way of affidavit of the Additional S.P., Sonapat, wherein the details of the cases registered against the petitioner have been given, with it also stated therein that due to sale of spurious liquor some persons lost their lives and some

persons lost their vision, with a total of 14 FIRs having been registered in that context in Sonapat (with regard to spurious liquor being sold).

Upon the aforesaid contention of the Addl. S.P. being put to learned counsel for the petitioner, as to how then he can be granted the concession of anticipatory bail, he submits that as regards the FIR in which the commission of an offence punishable under Section 304 of the IPC is concerned, the petitioner is no longer considered an offender even by the investigating agency, with his name having been removed from the FIR; and as regards the other FIRs registered against him, most of them are on the basis of alleged disclosure statements made in police custody by other co-accused who were apprehended.

Whereas normally this court would have admitted an accused to bail if the sole accusation against him was on the basis of a disclosure statement made in police custody, but yet in the present context the petitioner having been arraigned as an accused in 9 separate FIRs, even if it is on disclosure statements made by other accused, looking at the totality of the circumstances, in my view it is not a case where this court should exercise its jurisdiction under the provisions of Section 438 of the Cr.P.C., with these petitions consequently dismissed.

However, it is made absolutely clear that all observations made by this court are only in the context of petitions filed under the provisions of Section 438 Cr.P.C. and would not be taken to be observations on the merits

of the cases, which naturally would proceed on the basis of evidence gathered/led before the trial court (if it comes to that stage).

The status report filed by the Additional S.P., Sonapat, is ordered to be taken on record.

(A photocopy of this order be placed on the files of the connected cases too).

December 09, 2021

dharamvir//

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO