

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

**CRM-M-12320-2021
Date of decision: 02.11.2021**

Amit Rathi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. J. S. Kundu, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 752 dated 06.11.2020, registered under Sections 272, 328, 420 of the IPC and Section 72(A) of 4-2020 Excise Act at Police Station City, Sonipat.

Learned counsel for the petitioner submits that as per allegations in the FIR, a secret information was received by ASI Rajesh Kumar that Pawan @ Golu @ Bahera is indulged in the sale of spurious liquor, which can cause loss to human life. Thereafter, the police party reached the shop of said Pawan @ Golu @ Bahera and one boy was apprehended, who told his name as Pawan @ Golu @ Bahera, whereas one person escaped and 14 bottles of spurious liquor were recovered. It is the further case of the prosecution that thereafter, Ronak and Hemant were arrested on 09.11.2020; another co-accused Sonu was arrested on

11.11.2020; co-accused Sahil Rathi was arrested on 13.11.2020; petitioner Amit Rathi was arrested on 15.11.2020 and co-accused Amit Khatri was arrested on 17.11.2020 and spurious liquor was arrested from them.

Learned counsel further submits that in this process, 15 separate FIRs were registered against the accused persons; the petitioner is in judicial custody since 15.11.2020; investigation is complete and nothing is to be recovered from him.

Learned State counsel has filed the custody certificate, as per which, the petitioner is in judicial custody for the last 11 months and 15 days and though he is involved in some other cases of similar nature, however, it is not disputed that some of the co-accused of the petitioner have already been granted the concession of regular bail by the Court of Sessions.

After hearing learned counsel for the parties, considering the fact that petitioner is in judicial custody for the last 11 months and 15 days; his co-accused have already been granted the concession of regular bail by the Court of Sessions; recovery of 14 bottles of spurious liquor was effected from aforesaid co-accused Pawan @ Golu @ Bahera and thereafter, on the basis of the disclosure statement, the petitioner was arrested in this case, hence, it will be a matter of trial whether the same will be admissible against the petitioner or not, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

02.11.2021

Waseem Ansari

*Whether speaking/reasoned
Whether reportable*

(ARVIND SINGH SANGWAN)

JUDGE

*Yes/No
Yes/No*