IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(102/12) Date of Decision: 24.03.2021

1) CRM-M-30152 of 2020

Chirag Kalra …Petitioner

Versus

State of Punjab …Respondent

2) CRM-M-413 of 2021

Ankit Tyagi and another …Petitioners

Versus

State of Punjab …Respondent

3) CRM-M-2780 of 2021

Vijay Kumar Gabba …Petitioner

Versus

State of Punjab …Respondent

4) CRM-M-5917 of 2021

Vikas Sharma …Petitioner

Versus

State of Punjab …Respondent

5) CRM-M-5866 of 2021

Mukesh Moudgil @ Mukesh Kumar @ Gogi Pandit …Petitioner

Versus

State of Punjab …Respondent

6) CRM-M-10493 of 2021

Sumeet Makharia …Petitioner

Versus

State of Punjab …Respondent

7) CRM-M-21536 of 2020

Jasvir Singh @ Jassi …Petitioner

Versus

State of Punjab …Respondent

VIKAS CHANDER
2021.03.26 19:55
I attest to the accuracy and
integrity of this document

8) CRM-M-29962 of 2020

Kulwinder Singh @ Kala and another …Petitioners

Versus

State of Punjab …Respondent

9) CRM-M-30213 of 2020

Chander Parkash @ Vicky Midha …Petitioner

Versus

State of Punjab …Respondent

10) CRM-M-38458 of 2020

Ravi Kumar …Petitioner

Versus

State of Punjab …Respondent

11) CRM-M-44026 of 2020

Harwinder Singh @ Manga Chadda …Petitioner

Versus

State of Punjab …Respondent

12) CRM-M-15256 of 2020

Jatinder Kumar …Petitioner

Versus

State of Punjab …Respondent

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present:- Mr. Vivek Lamba, Advocate, for the petitioner in sr. no.1.
Mr. Amit Chaudhary, Advocate, for the petitioners in sr. no.2.
Dr. Anmol Rattan Singh Sidhu, Senior Advocate, with
Mr. Suvir Sidhu, Advocate, for the petitioner in sr. no.3.
Mr. Anupreet Singh Sidhu, Advocate,
for the petitioner in sr. no.4.
Mr. Nirmaljeet Singh, Advocate, for the petitioner in sr. no.5.
Mr. Prettinder Singh Ahluwalia, Advocate,
for the petitioner in sr. nos.6 and 11.
Mr. Inderjit Sharma, Advocate, for the petitioner in sr. no.7.
Mr. PKS Phoolka, Advocate, for the petitioners in sr. no.8.
Mr. Prashant Vashishth, Advocate, for the petitioner in sr. no.9.
Mr. Pritam Singh Saini, Advocate,
for the petitioner in sr. no.10.
Mr. S.S. Deol, DAG, Punjab

***

VIKAS CHANDER
2021.03.26 19:55
I attest to the accuracy and
integrity of this document

**Amol Rattan Singh, J. (Oral)**

Cases heard by way of video conferencing.

**CRM-M-30152 of 2020,**
**CRM-M-413 of 2021,**
**CRM-M-2780 of 2021,**
**CRM-M-5917 of 2021,**
**CRM-M-5866 of 2021 and**
**CRM-M-10493 of 2021**

In all these 6 petitions, the petitioners therein are seeking to be admitted to anticipatory bail under the provisions of Section 438 of the Cr.P.C., upon FIR no.50, dated 22.04.2020, having been registered at Police Station Sadar Khanna, District Khanna, alleging therein the commission of offences punishable under the provisions of Sections 420, 465, 468, 471, 269 of the IPC and Section 61 of the Punjab Excise Act, 1914, and Section 51 of the Disaster Management Act, 2005.

Mr. S.S. Deol, learned State counsel, submits that a reply to the petitions has been sent by way of 'whatsapp' communication to the Reader of this court (but with learned counsel for the petitioners not having received a copy thereof).

Be that as it may, he submits, on instructions, that all seven petitioners in these six petitions, have joined investigation and presently at least their custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, whatsoever, since the investigating agency itself does not require the custodial interrogation of the petitioner, these petitions have in fact been rendered infructuous and are disposed of as such.

It needs to be noticed here that in terms of the judgment of the Supreme Court in **M.C. Abraham v. State of Maharashtra**, (2003) 2 SCC

VIKAS CHANDER
2021.03.26 19:55
I attest to the accuracy and
integrity of this document

649, once the investigating agency itself does not require the custodial interrogation of an accused, the court would have nothing much to say thereafter qua that issue.

Obviously, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, they would be given 10 days notice before arrest, duly shown to be served upon them.

It is to be also observed here that learned State counsel, on query, does not deny that the petitioners herein (who were obviously not caught at spot when a raid was conducted at the premises from which the illegal/illicit liquor was allegedly being manufactured/distributed), are those who are alleged to be in association with those who were caught at the spot, or were supplying packaging materials/labels etc. to those who were apprehended at the spot.

**CRM-M-21536 of 2020,**
**CRM-M-29962 of 2020,**
**CRM-M-30213 of 2020,**
**CRM-M-38458 of 2020 ,**
**CRM-M-44026 of 2020 and CRM-M-15256 of 2020**

As regards these remaining six petitions, the petitioners therein are seeking to be admitted to 'regular bail' under the provisions of Section 439 of the Cr.P.C., in the context of the same FIR no.50, dated 22.04.2020, they having been apprehended at the spot where the alleged illegal/illicit liquor was being manufactured/distributed; and with them having been admitted to interim bail at different stages, on the ground that they had been in custody for anything between four to nine months, though of course at one stage this court had also observed in its order that if they were *prima*

VIKAS CHANDER
2021.03.26 19:55
I attest to the accuracy and
integrity of this document

*facie* found to have been manufacturing illegal/illicit liquor that could be harmful for human consumption, it would obviously be a very serious offence.

While repeating that, but since learned State counsel also submits upon query that the report under the provisions of Section 173 of the Cr.P.C. has been submitted to the competent court and charges have been framed against all the petitioners by the trial court, with them not having misused the concession of interim bail (with two other accused already having been admitted to bail absolutely at some stage), all counsel for the petitioners submit that at this stage there would be no point in cancelling the interim bail already granted to the petitioners.

Again without making any comment on the merits of the cases in any manner whatsoever, the interim orders passed in favour of the petitioners in these petitions are also made absolute, subject naturally to the petitioners adhering to all conditions of the bail granted to them, including of course appearing before the trial court as and when summoned.

It is again made absolutely clear that admitting the petitioners to bail in these petitions does not reflect the opinion of this court in any manner on their innocence or guilt; and naturally, whether they are guilty of any offence whether under the provisions of the Punjab Excise Act, 1914, or under the provisions of the IPC, or any other offence at all, including the Prevention of Food Adulteration Act, 1954 (if applicable), those aspects would be gone into by the trial court wholly on the basis of the evidence led before it.

VIKAS CHANDER
2021.03.26 19:55
I attest to the accuracy and
integrity of this document

A copy of this order be placed on the file of the other connected matters too.

24.03.2021 **(AMOL RATTAN SINGH)**
vcgarg **JUDGE**

**Whether reasoned/speaking: Yes**
**Whether reportable: No**

VIKAS CHANDER
2021.03.26 19:55
I attest to the accuracy and
integrity of this document