

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

CRM-M-37852-2020 (O&M)

(1) Rashpal Singh ... Petitioner

Versus

State of Punjab ... Respondent

(2) **CRM-M-38894-2020 (O&M)**

Amandeep Singh ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-5.3.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amandeep Singh Manaise, Advocate for the petitioner
in CRM-M-37852-2020.

Mr. Rakesh Gupta, Advocate for the petitioner
in CRM-M-38894-2020.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab
assisted by ASI Vipin Kumar.

GURVINDER SINGH GILL, J.

1. This order shall dispose off above mentioned two petitions filed on behalf of Rashpal Singh and Amandeep Singh seeking grant of anticipatory bail in a case registered against them vide FIR No.253 dated 31.7.2020 under Sections 304/307/328/120-B IPC at Police Station Sadar Tarn Taran, District Tarn Taran wherein offences under Sections

109/114/201/272/273/302/326 IPC, offence under Section 61/63 of Excise Act and Section 6 of the Poison Act have been added lateron.

2. The FIR in question was lodged at the instance of Gurdarshan Singh wherein it is alleged that his cousin namely Parkash Singh is an agriculturist and that on 31.7.2020, at about 10 a.m. he suddenly fell ill. The complainant and his brother Surinder Singh immediately took Parkash Singh to Civil Hospital, Tarn Taran from where he was referred to Guru Nanak Super Speciality Hospital, Tarn Taran and where his cousin Parkash Singh disclosed that he and some other persons had consumed liquor procured from Kashmir Singh @ Teera and Angrej Singh @ Doctor which contained some chemicals. The condition of Parkash Singh deteriorated and later he was declared dead by the doctor. The complainant alleged that lateron they came to know that upon consumption of poisonous liquor Amardeep Singh, Gurvail Singh, Sahib Singh, Dharam Singh, Harbans Singh, Sukhdev Singh, Nazar Singh, Tejinder Singh, Wassam Singh, Balwinder Singh, Piara Singh, Amrik Singh @ Feeeka, Harjit Singh, Bhagmal, Dr. Kuldeep Singh and Ranjit Singh had also died while Gurjit Singh and Rajwinder Singh were under treatment in the hospital. Some of the heirs of the deceased persons took the dead bodies of the deceased without informing the police and cremated the dead bodies. Kashmir Singh, Angrej Singh in connivance with some unidentified persons had passed on some poisonous substance like alochol to the deceased persons who had consumed it taking the same to be liquor and on account of which they had lost their lives while some were under treatment.

3. It is further the case of prosecution that on the same day i.e. on 31.7.2020, the complainant made a supplementary statement wherein he named 22 persons to be indulging in sale of spurious liquor and that they all had formed a nexus.
4. The learned counsel for the petitioners have submitted that they have falsely been implicated in the instant case and that none of them was named in the FIR and subsequently the police on the basis of some supplementary statement or on the basis of disclosure statement had involved a large number of accused and that there is no concrete evidence whatsoever to justify involvement of the petitioners.
5. It has further been submitted that the zeal of the police to involve a large number of persons by levelling serious allegations is evident from the fact that in the instant case even offence under Section 302 IPC has been added against the accused. The learned counsel for the petitioner-Rashpal Singh has also submitted that infact he happens to be named in the alleged supplementary statement of the complainant whereas Gurdarshan Singh has subsequently executed an affidavit wherein he specifically deposed that he had never named the petitioner to be an accused. The learned counsel has further submitted that the police in order to show that the petitioners indulge in offences of identical nature have involved them in other cases under Excise Act after lodging of the instant FIR and which clearly shows that the police is all out to frame them in a large number of cases
6. Opposing the petitions, the learned State counsel has submitted that the FIR came to be lodged immediately when the first death on account of consumption of spurious liquor was reported to the police and that the

relatives of the said deceased, at that time, were not fully aware of the entire racket and nexus regarding sale of spurious and illicit liquor and it was subsequently on several inquiries being made by said relatives and also by the police that the entire racket was unearthed. It has been informed that Parkash Singh, cousin of the complainant Gurdarshan Singh had informed about the death of his cousin immediately when he was hospitalized on 31.7.2020. Later, it came to be known that as many as 35 persons had died, while one was handicapped. Since most of the victims were from a poor strata of the society and were labourers, postmortem reports were conducted in case of 12 deceased.

7. It has further been submitted by State counsel that the supplementary statement of the complainant was not recorded belatedly so as to cast any doubt or aspersion on the same and was recorded on the same very day i.e. on 31.7.2020 wherein he named additional 22 persons to be having a nexus and into business of sale of spurious liquor. The learned State counsel has submitted that one Shamsher Singh (non-petitioner) and petitioner Rashpal Singh were amongst the said 22 persons named in the supplementary statement. Said Shamsher Singh was arrested by the police on 7.8.2020 and from whom 11 litres 820 ml of Methyl Alcohol was recovered. During the course of interrogation, he disclosed that he alongwith his brother Satnam Singh and his father Harjit Singh had supplied 200 litres of thinner to Amandeep Singh (petitioner) for an amount of ₹ 28000/- and to several other persons.
8. The learned State counsel has informed that during the course of investigation, it is surfaced that one Rajiv Joshi was running hardware store

in Ludhiana and co-accused Avtar Singh and Ravinder Singh had purchased 2 drums of thinner containing 300 litres each from Rajiv Joshi @ ₹ 28,000/- per drum. Although, as per orders promulgated under provisions of Essential Commodities Act, such bulk quantity of thinner cannot be purchased or stored without licence and without bill but accused Avtar Singh and Ravinder Singh had managed to purchase the same without bill even though they did not possess any licence for the same. The learned State counsel has further informed that the aforesaid two drums were given to aforesaid accused Harjit Singh and Kashmir, who further distributed the same to several people and the thinner in question was passed on as liquor which proved fatal.

9. The learned State counsel has further informed that both the petitioners are habitual offenders and that while Rashpal Singh stands involved in 21 FIRs including 4 FIRs lodged under Excise Act, the details of which are mentioned in the status report, the petitioner Amandeep Singh also stands involved in 2 FIRs. It has further been informed that in other FIR in which both Amandeep Singh and Rashpal Singh are involved i.e. FIR No.221 dated 31.7.2020, Police Station, City Tarn Taran and in FIR No. 195 dated 7.8.2020, Police Station Kathwa Nangal, as many as 43 and 70 persons had lost their life on account of consumption of spurious liquor. It has also been informed that even the brother of petitioner Rashpal Singh is a habitual offender having been involved in 10 other FIRs and in one case, even from him 400 litres of illicit liquor was recovered.

10. The State counsel has informed that post mortem of 12 persons had been conducted by the concerned medical examiner and after receiving Visra

report of above noted deceased persons, the final opinion has also been obtained from the board of directors and the board of director opined that “The cause of death in this case is declared as Methyl Alcohol Poisoning, which is sufficient enough to cause death in ordinary course on nature”.

11. I have considered rival submissions addressed before this Court. The fact that the petitioners are not specifically named in the FIR lodged on 31.7.2020 may not be of much consequence inasmuch as it is a case where a large number of lives were lost and the FIR came to be lodged at the instance of relatives of one such deceased only. However, it needs to be noticed that on the very day when the FIR was lodged, the complainant upon coming to know about particulars of other deceased got his supplementary statement recorded wherein the names of 22 more accused surfaced including those of petitioner Rashpal Singh and Shamsher Singh (non-petitioner). Upon arrest of Shamsher Singh, 11 litres and 820 ml of Methyl Alcohol was recovered which would substantiate the allegations against him as levelled in the supplementary statement. Further, it was pursuant to interrogation of Shamsher Singh that the name of Amandeep Singh came into light who is yet to be arrested. The involvement of Amandeep Singh is borne out from the investigation conducted in the matter during the course of which the entire racket had been unearthed, as per which 'industrial thinner' was being purchased in an illegal manner by Avtar and Ravinder from Rajiv Joshi, who is running a hardware store in Ludhaina. The said 'industrial thinner' which was being purchased without any bill and without any permit was being passed on as liquor or was being used for making spurious liquor.

12.The Viscera report confirms the cause of death to be consumption of Methyl Alcohol, which is sufficient to cause death. The arrest and custodial interrogation of Amandeep Singh, as such, would be required to know the involvement of other persons in the entire racket. It is no doubt correct that disclosure statements *per se* would not carry much evidentiary value but if such disclosure statements are coupled with some recovery of an incriminating article which substantiates the allegations or with some other corroborative evidence, the disclosure statements cannot be discarded. It is a case where a large number of lives have been lost on account of greed of some persons who used to sell spurious liquor for making quick money. The mere fact that Gurdarshan Singh complainant had subsequently furnished some affidavit to the effect that he had not named Rashpal Singh as an accused would not be of much assistance to the petitioner and rather would indicate that the accused are making all out desperate efforts to win over the complainant or to intimidate him.

13.In view of the discussion made above, no special case is made out for grant of anticipatory bail to either of the petitioners. Both the petitions are sans any merit and are hereby dismissed.

5.3.2021

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No