

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

CRM-M-4782 of 2023

Date of decision: 4th July, 2023

Ronak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Bhanu Udai, Advocate for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. This is a petition seeking regular bail in FIR No. 760 dated 11.11.2020, under Sections 272, 304, 328, 420, 468 and 471 IPC and Section 72(A) of the Excise Act registered at Police Station, Sonipat City.
2. As per the case set up, deceased-Mahender died after consuming illicit liquor purchased from Ronak (petitioner). The deceased was working as a truck driver.
3. Learned counsel for the petitioner submits that the petitioner is in custody since 13.11.2020 and no recovery was made from him. He relies upon the fact that co-accused Sahil Rathee and Amit Rathee were granted bail by this court. The contention is that there is no substantial progress in the trial. He further submits that as per the post-mortem report, the cause of death is not due to consumption of illicit liquor.
4. Learned counsel for the State opposes the prayer for grant of bail and submits that the petitioner was specifically named by the wife of the deceased in the FIR and he is involved in nine more cases having similar allegations. However, on instructions from ASI-Sanjay Kumar, he fairly submits that no recovery was made from the petitioner in the present FIR. He further informs the court that out of forty witnesses, only one has been examined.

5. The observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.
6. *Albiet* the petitioner was specifically named by the wife of the deceased and the allegations were that the deceased purchased the liquor from him but there was no recovery made from the petitioner, the prosecution is relying upon the disclosure statement of the petitioner. He is in custody for more than two-and-a-half year. There is no progress in the trial as only one witness out of forty has been examined. The conclusion of trial is likely to take time. Co-accused were granted bail. Involvement of the petitioner in other cases in itself would not be a ground for depriving his personal liberty. The petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.
7. The petition is allowed.

[AVNEESH JHINGAN]

JUDGE

4th July, 2023

mk

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No