

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4699-2023
Date of Decision: May 01, 2023

Sandeep alias Mama and another ...Petitioners

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Pawan Kumar Hooda, Advocate for the petitioners.

Mr. Randhir Singh, Addl. A.G., Haryana.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 Cr.P.C., the two petitioners, namely Sandeep @ Mama; and Mohit @ Moti have prayed for grant of regular bail in case FIR No.747 dated 05.11.2020, registered at Police Station City Sonipat, District Sonipat, under Sections 420, 467, 468, 471 of IPC and Section 61 of Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) {Section 72-A of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) and Sections 272, 328 of IPC added later on}.

2. It is contended by learned counsel that petitioners have been falsely implicated and have been in custody since 25.12.2020; that they were not named in the FIR; rather, only two co-accused, namely Raunak and Hemant were named in the FIR with the allegations of preparing spurious liquor and who were found in possession of 60 bottles of liquor having marka 'Raseela Santra Desi' and 510 caps of NV Group

Distilleries Limited, Badholi. It is further contended that petitioners are not even named in the disclosure statements of said Raunak and Hemant and that their names surfaced in the alleged disclosure statements made by the petitioners and the co-accused Naresh @ Neshi, Mandeep @ Setha and Kuldeep @ Hooda in case FIR No.183 dated 08.11.2020, registered at Police Station Mohana, District Sonipat. Learned counsel contends further that no recovery has been effected from the petitioners; that investigation is already complete and challan has been presented, but even the charges have not been framed so far and so examination of 26 witnesses as cited in the challan is likely to take long time. Still further, it is contended that various co-accused in this case have already been released on bail and so, on the ground of parity also, petitioners deserve to be given the concession of bail.

3. (i) Strongly opposing the bail petition, learned State counsel has drawn attention towards the reply filed by way of affidavit dated 25.04.2023 of Shri Virender Singh, Asstt. Commissioner of Police, City Sonipat, revealing that the two petitioners are involved in as many as 18 criminal cases, mostly of same nature.

(ii) As far as grant of bail to other co-accused is concerned, it is submitted that role of the petitioners is quite different because the petitioners indulge in manufacturing of spurious liquor. It is contended that it was found during investigation that it is petitioner Sandeep @ Mama, who had brought 3 drums of 200 liter each of chemical for manufacturing of spurious liquor; that it is said petitioner Sandeep @ Mama, who disclosed the process of making spurious liquor with

chemical and only thereafter the liquor was prepared. Petitioner Mohit @ Moti contributed the amount for manufacturing of liquor. He used to pour the liquor prepared with the chemical in bottles, affix caps, wrapper and fake holograms on the bottles and besides his Esteem car was being used for supplying the spurious liquor.

(iii) Learned State counsel has further pointed out towards the reply, as per which 31 persons have died in District Sonipat and 10 in District Panipat, whereas a few people have lost their vision after consuming the spurious liquor and that there is adequate evidence to connect the commission of offences by the petitioners, who used to make spurious liquor in villages Sitawali and Naina Tatarpur, District Sonipat, with chemical by affixing fake labels, holograms, caps etc. and used to supply the same to co-accused Anil @ Lila for further supply. The manufacturing of the spurious liquor by the petitioners led to the huge loss of human lives.

(iv) It is further submitted that charges are yet to be framed and prosecution witnesses are yet to be examined and that if enlarged on bail, petitioners may intimidate or influence the witnesses and hamper the trial.

4. Replying to the aforesaid contentions, learned counsel for the petitioners has placed on record various orders passed by the Trial Court or by different co-ordinate Benches of this Court, so as to contend that out of 18 FIRs registered against the petitioners including the present one, they have already been allowed bail in 15 of the cases. It is further contended that mere involvement in other cases, cannot be a ground to decline the bail. Learned counsel has referred to the case of ***“Maulana***

Mohammed Amir Rashadi v. State of Uttar Pradesh, (2012) 2 SCC 382,

wherein it has been held by Hon'ble Supreme Court that merely on the basis of criminal antecedent, bail to the accused cannot be rejected, rather it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the proceedings of the Court etc.

5. After considering submissions of both the sides, this Court is of the view that petitioners do not deserve to be given the concession of bail having regard to the role attributed to them in the crime of the present FIR.

6. Even if the factor of criminal antecedents of the petitioners due to their involvement in large number of other cases is ignored, the Court cannot ignore the role attributed to them inasmuch as they were indulging in manufacturing of spurious liquor with the chemical brought by them, as per the investigation, which led to huge loss of human lives. Charges are yet to be framed. Witnesses are yet to be examined. In case, the petitioners are released on bail, having regard to their criminal antecedents, it cannot be ruled out that they may try to win over the witnesses or influence them in one or the other way.

7. Considering the overall circumstances of the case, but without commenting anything further on the merits of the case, the bail petition is hereby dismissed.

May 01, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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

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