

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

CRM-M-6346-2023

Date of Decision:-04.08.2023

Amit Rathi.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Parveen Sharma, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.746 dated 05.11.2020 under Sections 61 and 72-F of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) (Section 72-A-4-20 of Excise Act, 1914 and Section 328, 272, 420, 467, 468, 471 IPC registered at Police Station City Sonipat, District Sonipat.

2. The brief facts of the case are that on 04.11.2020 police officials who were present on night patrolling duty received secret information to the effect that illicit liquor was being sold in a black colour Verna bearing registration number HR10-AD-2891 in Street No.2, Mayur Vihar, Sonipat behind the Mall. Finding the information reliable the police officials rushed to the place and found that a car make Verna bearing registration No.HR10-AD-2891 was being checked by certain other police officials who were already present at the spot. Sachin @ Bachi and Amit

Rathi (petitioner) son of Krishan were found sitting in the car. When the police officials tried to check the car, the petitioner-Amit Rathi fled away from the spot while accused Sachin was apprehended. On checking of the car one Beer Box, 06 bottles of Liquor make "Blender Pride", 03 bottles of make "Royal Stag" and two pints and one bottle make "Teacher", one pint make "White Blue" and two bottles of country made liquor make "Santra" were recovered. The recovered liquor was taken into possession and the instant FIR came to be registered. During the course of investigation, the petitioner and his co-accused came to be arrested. It was found that the Verna in question was in the name of Smt. Shanta, the mother of the petitioner. It also transpired that the petitioner along with his brother Sahil Rathi and Amit Khatri were having partnership in liquor vends of accused Satpal @ Happu. One Anil @ Lila was a friend of Sahil Rathi, brother of the petitioner and he asked them (petitioner etc.) to sell spurious liquor prepared with chemicals. Anil @ Lila would supply the spurious liquor prepared with chemical make FFD and NV Raisla Santra and they in collusion with their companions Pawan @ Golu @ Behra, Sachin @ Bachhi, Ranbir and Ronak would sell the same. Pursuant to the conclusion of the investigation, the report under Section 173 Cr.PC under Sections 420, 467, 468, 471, 120-B, 328 IPC and 72-A/61/1/14 Excise Act came to be submitted against Sachin @ Bachhi, Pawan @ Golu, Amit Rathi (petitioner), Amit Khatri, Ranbir, Satpal @ Happu, Ashok, Sahil Rathi, Sandeep @ Mama, Mohit @ Moti, Kuldeep @ Hooda, Sandeep @ Setha, Naresh @ Neshi, Amit @ Meenu, Amit @ Mita, Ajit @ Jita, Mukesh @ Vicky, Anil @ Lila, Sumit @ Shami and Sumit Rathee.

3. The counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No recovery whatsoever has

been effected from him. As he was in custody since 14.11.2020 and only 09 out of 31 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and he was entitled to the concession of bail. Even otherwise, a number of co-accused of the petitioner had been granted the concession of bail and in the other cases registered against him he had also been granted the similar concession of bail. He places reliance on the judgment of Hon’ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. & Anr. 2012(2) SCC 382*** to contend that merely on account of criminal antecedents of the petitioner, bail could not be denied to him.

4. The Counsel for the State on the other hand contends that the petitioner is the mastermind and the main accused in the present case. He is an accused in as many as 19 other FIRs, the details of which are reproduced hereinbelow:-

Sr.No.	FIR No. & Date	Under Section	P.S.	Stage and Status
1.	545 dated 01.09.2015	323/427/506 IPC	City, Sonipat	Conviction for three years on 04.11.2019 (On bail)
2.	76 dated 15.02.2019	186/332/353 IPC	City, Sonipat	Pending Trial (On bail)
3.	676 dated 24.10.2017	323/506/34 IPC	City, Sonipat	Pending Trial
4.	171 dated 11.02.2020	323/506 IPC	City, Sonipat	Pending Trial (On bail)
5.	499 dated 11.07.2020	323/506/34 IPC	City, Sonipat	Pending Trial (On bail)
6.	373 dated 01.05.2020	188 IPC and 61/1/14 Excise Act	City, Sonipat	Pending Trial
7.	508 dated 24.12.2013	323/324/506/34 IPC	City, Sonipat	Acquittal on 14.10.2014
8.	483 dated 11.09.2016	323/325/506/34 IPC	City, Bahadurgarh, Jhajjar	Acquittal on 03.10.2019
9.	745 dated 04.11.2020	272/420/467/468/ 471 IPC and 61/72-A/4/2020	City, Sonipat	Pending Trial (On bail)

		Excise Act		
10.	747 dated 05.11.2020	272/328/420/46 7/ 468/471 IPC and 61/72-A Excise Act	City, Sonipat	Pending Trial (On bail)
11.	748 dated 06.11.2020	269/273/467/46 8/ 471/120-B IPC and 61/4/2020 Excise Act	City, Sonipat	Pending Trial (On bail)
12.	749 dated 06.11.2020	304/328/420/27 2/ IPC and 72- A/4/2020 Excise Act	City, Sonipat	Pending Trial (On bail)
13.	752 dated 06.11.2020	328/272/420/46 7/468/471 IPC and 72-A/4/2020 Excise Act	City, Sonipat	Pending Trial (On bail)
14.	760 dated 11.11.2020	304/272/328/42 0 IPC and 72- A/4/2020 Excise Act	City, Sonipat	Pending Trial (On bail)
15.	804 of 2020	304/328/272/42 0/ 467/468/180/20 1/ 120-B IPC and 72-A Excise Act	City, Sonipat	Pending Trial BA Dismissed by ASJ & Not Applied in HC
16.	291 dated 5.6.2019	323/506/34 IPC	City Sonipat	Pending Trial (On bail)
17.	735 dated 10.12.2015	148/149/323/32 4/ 307/506 IPC	City Sonipat	Acquitted
18.	510 dated 27.12.2013	457/380/411 IPC	City, Sonipat	Acquitted
19.	462 dated 23.11.2013	457/380/411 IPC	City Sonipat	Already Undergone

He contends that the allegations against the petitioner are extremely serious. The instant FIR came to be registered when he was present along with his co-accused in a car belonging to his mother from which illicit liquor was initially recovered. Looking at the criminal antecedents of the petitioner, there was every possibility that he would tamper with the prosecution case by intimidating and influencing the witnesses and he was also likely to abscond from justice. In fact as many as

31 persons had died in district Sonipat and 10 persons had died in district Panipat along with a number of persons who had lost their vision after consuming spurious liquor regarding which 10 FIRs had been registered and in 03 of the said FIRs the petitioner is an accused. Therefore, the petitioner was not entitled to the concession of regular bail even though his co-accused have been granted the similar concession because the petitioner is not only the mastermind but also had 19 other cases registered against him. He contends that the judgment in ***Maulana Mohd. Amir Rashadi case (supra)*** would not apply to the case of the petitioner because firstly in the said judgment, the Hon'ble Supreme Court was dealing with a petition for cancellation of bail granted to the accused and it had observed that the accused therein was a member of parliament who had been acquitted in most of the cases which had been registered against him. He contends that in the instant case, the petitioner was an accused in 19 cases and had been acquitted only in 03 of those. He therefore contends that keeping in view the attending facts and circumstances, the petitioner was not entitled to the grant of bail.

5. I have heard the learned counsel for the parties.

6. There is no doubt about the fact that the petitioner is in custody since 14.11.2020 and in most of the cases registered against him he has been granted the concession of bail and has been acquitted in 03 cases. However, it is equally true that the petitioner is the main accused. The allegations against him are extremely grave. In three cases against the petitioner due to consumption of spurious liquor multiple persons had died and others had lost their vision. As he is an accused in multiple cases, there is real apprehension of the petitioner tampering with the evidence, influencing the witnesses or absconding from the process of law in case he is granted the

concession of bail. Therefore, I do not deem it appropriate to grant him the concession as prayed for.

7. In view of the above, the present petition stands dismissed.

8. However, given the period of incarceration undergone by the petitioner, the Trial Court is directed to conclude the Trial within a period of 06 months from the next date of hearing fixed before it.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 04, 2023

Vinay

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