

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

1. CRM-M-36397-2022

Anil Malik

.... Petitioner

Vs.

State of Haryana

.... Respondent

2. CRM-M-38505-2022

Sahil Rathee

.... Petitioner

Vs.

State of Haryana

.... Respondent

Date of Decision: 17.07.2023

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Satnam Sishodia, Advocate
for the petitioner (in CRM-M-36397-2022)

Mr. Parveen Sharma, Advocate,
for the petitioner (in CRM-M-38505-2022)

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

DEEPAK GUPTA, J.

This order shall dispose of two petitions tilted above, as in both of them, petitioners seek regular bail under Section 439 Cr.P.C. in case FIR No.562 dated 06.12.2020 registered at Police Station Sonipat Sadar, District Sonipat under Sections 272, 304, 328, 420, 467, 468 and 471 of Indian Penal Code 1860 and Section 72-A of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020).

2. FIR was lodged on the complaint of Rajesh son of Dharambir, as per which his elder brother Pushp Raj died due to

consumption of liquor on the night intervening 15/16.11.2020. It was disclosed that Pushp Raj along with his friend Arun had consumed liquor purchased from the water plant adjoining to the Court Complex belonging to Amit Khatri, Sahil Rathee (petitioner in CRM-M-38505-2022) etc., all of whom used to do business of illicit Liquor.

3. Autopsy on the dead body of Pushp Raj was conducted. Viscera was sent for chemical examination. From the spot, vomiting of the deceased was collected and was also sent for necessary analysis. One empty liquor bottle make '*Rasila Santra*' besides 6 liquor bottles of the same make lying in the air cooler were also lifted from the spot and their samples were sent for analysis. The postmortem report to be read with the Viscera report revealed that cause of death was alcohol poisoning i.e., ethyl and methyl alcohol, which was also found present in the empty bottle and the other bottles make '*Rasila Santra*' found from the spot.

4. Further prosecution case is that it emerged during investigation that Amit Khatri, Sahil Rathee (petitioner in CRM-M-38505-2022) and other companions used to sell spurious liquor prepared with chemical after affixing fake labels and not only Pushp Raj but several other persons had died after consuming said spurious liquor. Information was also sought in respect of holograms of six bottles recovered from the house of the deceased having labels to be manufactures by M/s NV Distillery Ltd., Ambala through Excise Department and it was found that series of holograms on the bottles were not used by M/s NV Distillery Ltd. for manufacturing the liquor

and thus, fake holograms/labels had been put on the bottles. It was found during investigation that Sahil Rathee (petitioner in CRM-M-38505-2022) and Amit Khatri were confined in District Jail, Sonipat in other cases. They were joined in the investigation and on interrogation, it was disclosed by them that they used to procure this spurious liquor from Anil Malik @ Lila (petitioner in CRM-M-36397-2022). The other accused were also arrested. After completing necessary investigation, final report under Section 173 Cr.P.C. was filed.

5. It is submitted on behalf of the Anil Malik (petitioner in CRM-M-36397-2022) that he has been falsely implicated in the FIR lodged after 21 days delay. Main allegations are against Amit Khatri and Sahil Rathee and not against him. It is further submitted that investigation has already been completed and challan has already been presented. As per petitioner, he is doing the business of building material supplier with the name of Shiv Ganga Building Material Supplier and there is no direct or indirect evidence showing his involvement in the alleged offence and that in fact, deceased was a habitual drunkard. Petitioner has also given details of as many as 12 cases, in which he is involved but submits that he has been falsely implicated in all these large number of cases and in most of them, he has already been granted regular/anticipatory bail. It is further contended that petitioner is in custody since 10.01.2022 and so in these circumstances, he be allowed regular bail.

6. On behalf of Sahil Rathee (petitioner in CRM-M-38505-2022), it is contended that he has been falsely implicated on the basis of delayed FIR; that he has no concern with the alleged offence; and that deceased was habitual drunkard. It is further submitted that petitioner is not involved in the trade of liquor in any manner; that investigation has already been completed; and that trial may take long time to conclude. Petitioner has also given details of large number of cases, in which he is involved and submits that in most of them, he has been allowed bail.

7. Learned State counsel has opposed both the bail petitions by pointing out towards the serious nature of allegations against the petitioners. It is contended that both the petitioners are involved in manufacturing and sale of spurious liquor and that because of the hooch tragedy various persons lost lives and many lost vision. Learned State counsel has also drawn attention towards the criminal antecedents of both the petitioners. It is specifically submitted that total 31 persons died in District Sonipat and 10 persons died in Panipat; whereas many people lost their vision after consuming spurious liquor.

8. As per details available on record, both the petitioners are involved in following cases: -

- (i) FIR No.745 Dated 04.11.2020 U/S 328, 272, 420 IPC & 61 72A-4-2020 Excise Act, 2020, PS City Sonipat.
- (ii) FIR No.746, dated 05.11.2020 u/s Section 61-04-2020, 72 F Excise Act, PS City Sonipat.
- (iii) FIR No.748 dated 06.11.2020 U/S 420, 467, 468, 471, 269, 273, 120B IPC; 61-4-2020 Excise Act PS City Sonipat.

- (iv) FIR No.749 dated 06.11.2020 u/s 304, 420 IPC & 72 A Excise Act PS City Sonipat.
- (v) FIR No.752 dated 06.11.2020 u/s 328, 272, 420 IPC & 72 A-4 -2020 Excise Act 2020 PS City Sonipat.

9. Apart from above, petitioner Sahil Rathee (petitioner in CRM-M-38505-2022) is also involved in other cases as per the following details:

- (i) FIR No.747 dated 05.11.2020 U/S 328, 272, 420, 467, 468, 471 IPC and 61 72A-4-2020 Excise Act 2020 PS City Sonipat.
- (ii) FIR No.291 dated 06.06.2019 U/S 323, 294, 506, 34 IPC PS City Sonipat.
- (iii) FIR No.315 dated 26.03.2020 U/S 160, 188 IPC PS City Sonipat.
- (iv) FIR No.804 dated 08.12.2020 U/S 272, 304, 328, 467, 468, 471 IPC & 72(A)-4 Excise Act, PS City Sonipat.

10. Anil Malik (petitioner in CRM-M-36397-2022) is also involved in other cases as per the following details: -

- (i) FIR No.754 dated 07.11.2020 U/S 467, 468, 471, 120B, 328, 272 IPC & 72(A), 61-4-2020 Excise Act PS City Sonipat.
- (ii) FIR No.760 dated 11.11.2020 U/S 272, 304, 328, 420 IPC & 72 A-4-2020 Excise Act 2020 PS City Sonipat.
- (iii) FIR No.763 dated 12.11.2020 U/S 272, 304, 328, 420 IPC & 72A-4-2020 Excise Act 2020 PS City Sonipat.
- (iv) FIR No.183 dated 06.11.2020 U/S 109, 272, 328, 420, 467, 468, 471, 120B IPC & 61-3-2020 Excise Act, PS Mohana.

- (v) FIR No.416 dated 04.11.2020 U/S 273, 420, 467, 468, 471, 272, 180 IPC PS Civil Line Sonipat.
- (vi) FIR No.744 dated 04.11.2020 U/S 304, 420, 467, 468, 471, 328, 120B, 272 IPC
- (vii) FIR No.853/2018 U/S 307, 323, 324, 506, 34 IPC PS City Sonipat.

11. Ld. Counsel for petitioner Sahil Rathee has placed on record copies of the various orders in order to contend that he has already been allowed bail in case FIRs No.745 to 749 of 2020 all registered at Police Station City Sonipat beside FIRs No.752, 760 & 804 of 2020 registered at Police Station, Sonipat.

12. Ld. Counsel for petitioner Anil Malik has also placed on record copies of various order to contend that he has already been allowed bail in FIRs No.745, 746, 748, 749 & 763 of 2020 registered at Police Station City Sonipat, though bail to him has been declined in case FIR No.754 dated 07.11.2022.

13. Having considered submissions of both the sides and taking into account the serious allegations against the petitioners, this Court is not inclined to grant bail to the petitioners. As emerged during investigation, both the petitioners are involved in hooch tragedy, which resulted in the large number of people losing lives due to consumption of the spurious liquor and several losing their eye sight. The said tragedy led to the massive outcry. The conclusion drawn in the investigation *prima facie* points out towards the involvement of both the petitioners. Offences in question are quite grave in nature. Both petitioners have criminal antecedents. Trial is yet to begin.

14. Considering overall circumstances of the case as above but without commenting on the merits of the case, this court is of the view that none of the petitioners is entitled for grant of bail. As such, both the petitions are hereby dismissed.
15. A photocopy of this order be placed on the file of connected case.

(DEEPAK GUPTA)
JUDGE

17.07.2023

Vivek

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |