

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

213

CRM-M-50193-2022

Date of decision: 04.05.2023

ANIL MALIK

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Ramesh Malik, Advocate for
Mr. Satnam Singh Sishodia, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.763 dated 12.11.2020 under Sections 272, 304, 328, 420 of IPC and under Section 72-A of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), registered at Police City Sonipat, District Sonipat.

Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case. It is alleged that on 01.11.2020 in the evening, Sandeep (deceased) purchased country made liquor make "Rasila Santra", which was purchased from near Jahari road, Railway Fatak and on the next day i.e. 02.11.2020, he consumed the remaining liquor and during afternoon he suffered with breathing problem and vision was not clear. On asking he told that he consumed the liquor, which was purchased from Anil @ Lila, thereafter he had been admitted in Civil Hospital, Sonipat from where he was referred to PGIIMS Rohtak. On 04.11.2020, he died during treatment due to consuming poisonous liquor.

Learned counsel contends that the petitioner is named in the FIR only on the basis of hearsay evidence and he is doing business of Building Material Supplier with the name of Shiv Gange Building Material Supplier. No recovery has been effected from him. He also submits that the petitioner is in custody since 29.10.2021 and investigation has already been concluded wherein challan stands presented, charges have been framed and out of total 50 prosecution witnesses 02 witnesses have been examined till date and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail. He further contends that the petitioner is involved in 16 other cases, whereas in 07 cases, petitioner has been granted concession of bail, in 01 case he has been acquitted of the charges. In this regard, he relies on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382. Learned counsel for the petitioner further submits that in CRM-M-44530-2022, CRM-M-48539-2022, CRM-M-46349-2022, CRM-M-52346-2022 and CRM-M-56281-2022 other co-accused have already been granted regular bail by this Court vide order dated 02.03.2023.

On the other hand, learned State counsel assisted by Investigating Officer has vehemently opposed the aforesaid prayer on the ground that allegations levelled against the petitioner are serious in nature. However, he has not disputed the fact that challan stands presented, charges have been framed and out of total 50 prosecution witnesses, only 02 witnesses have been examined till date. Learned State counsel further submits that as per reply dated 01.03.2023, the petitioner is involved in 16 other case, however he has not disputed the fact that in 07 cases the petitioner got concession of bail.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 29.10.2021.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the investigation has already been completed, challan stands presented, charges have been framed and out of total 50 prosecution witnesses, 02 witnesses have been examined till date. Keeping in view the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

May 04, 2023
nisha-II

(DEEPAK MANCHANDA)
JUDGE

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