

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

232/2

2024:PHHC:019322
CRM-M-883-2024
Date of decision: February 12, 2024

ANSHUL GARG
...Petitioner

Versus

STATE OF HARYANA
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vinod Ghai, Senior Advocate
with Mr. Aman Pal, Advocate,
Mr. Arnav Ghai, Advocate
and Mr. Amritpal Singh Maan, Advocate
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.410 dated 09.11.2023 under Sections 188, 201, 272, 308, 328, 420, 467, 468, 471, 472, 473, 120-B of the Indian Penal Code, 1860 and Sections 61, 63A of the Excise Act, registered at Police Station Mullana, District Ambala.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner was neither named in the FIR in question nor was any suspicion raised therein *qua* his involvement in the sale or manufacture of illicit liquor. Learned counsel submits that a secret information was received *qua* involvement of 4 co-accused Uttam, Puneet, Ankit and Kapil; after co-accused Ankit was arrested, he suffered two disclosure statements on 14.11.2023 and 19.11.2023. In his first disclosure statement, he named one Ramandeep Singh @ Deepu and stated that he had supplied the Extra Neutral Alcohol (hereinafter

referred to as 'ENA') to them for manufacture of illicit liquor. After co-

accused Ramandeep Singh @ Deepu was arrested, he also suffered another disclosure statement, wherein for the first time, the role of the petitioner surfaced to the effect that ENA was purchased by co-accused Ramandeep Singh @ Deepu from him. Learned counsel submits that no doubt, he did have a license for the manufacture of ENA, however, it was also a matter of record that the said license had ceased to be in operation after 05.06.2021. Learned counsel further submits that all this needs to be appreciated in the light of no recovery effected from the petitioner after he was arrested on 16.11.2023, coupled with the fact that the evidentiary value of the disclosure statement so suffered was of a very weak nature. Learned counsel has thus prayed for being extended the concession of bail as the investigation in the case in hand is complete as challan stands presented, however, since charges have not yet been framed and as many as 51 witnesses have been cited by the prosecution, the trial would take considerable time to conclude.

3. *Per contra*, while opposing the prayer and submissions made by the learned counsel for the petitioner, learned State counsel has not disputed that the license of the petitioner for manufacture of ENA, had elapsed on 05.06.2021 and that his name had surfaced only in the second disclosure statement made by co-accused Ramandeep Singh @ Deepu, who stated that the ENA used in the manufacture of illicit liquor, had been procured from the petitioner.

4. On a pointed query put to the learned State counsel as to whether any recovery of ENA had been effected when the petitioner was arrested on 16.11.2023, he on instructions, has replied in the negative. However, he on instructions, has submitted that one other criminal case also stands registered

against the petitioner, though therein also his name had surfaced in the disclosure statement made by one of the co-accused.

5. I have heard learned counsel for the parties and perused the relevant material placed on record.

6. The investigation in the case in hand is complete. As not disputed by the learned State counsel, no recovery of any ENA was effected when the petitioner was arrested on 16.11.2023. The possibility of the trial concluding in the near future is bleak, considering the fact that as many as 51 prosecution witnesses have been cited.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. The petition as such is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

February 12, 2024

Jaspreet Kaur

(MANJARI NEHRU KAUL)

JUDGE

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