



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-18959-2024

Date of decision: 26.09.2024

Yuvraj Singh @ Mannu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.410 dated 09.11.2023 under Sections 201, 272, 308, 328, 420, 467, 468, 471, 472, 473, 120-B of the IPC and Sections 61, 63-A, 72-A of the Punjab Excise Act, 1914 (Haryana Amendment Bill 2020) registered at Police Station Mullana, District Ambala.

2. Reply by way of affidavit of Suresh Kumar, HPS, Deputy Superintendent of Police, Barara, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, which pertains to allegations of involvement in the illicit manufacture and distribution of spurious liquor. While drawing the attention of this Court to the FIR (Annexure P-1), it is contended that a perusal of the

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allegations reveals that the petitioner has neither been named nor has any specific role been attributed to him. The petitioner's implication in the instant case is based solely on a disclosure statement purportedly made by co-accused Ankit @ Mogli. It is argued that the said disclosure statement, which formed the sole basis for the involvement of the petitioner in the instant case, does not have much evidentiary value and points towards the petitioner's false implication. Furthermore, it has been highlighted that, apart from the petitioner being named as a conspirator, no other concrete role has been assigned to him, not even within the disclosure statement.

4. Additionally, it is urged by the learned counsel for the petitioner that some of the co-accused have already been granted bail, and since the petitioner is similarly situated, he too deserves the same relief. It is also submitted that the petitioner has been in custody for the last nine months having been arrested on 27.01.2024, and the trial is unlikely to conclude soon, as the charges have not yet been framed. Hence, his further incarceration would serve no useful purpose.

5. Per contra, learned counsel for the State has strongly opposed the petitioner's prayer and submissions, and has drawn the attention of this Court to the serious allegations against him. In support, learned State counsel has drawn the attention of this Court not only to the FIR which has been annexed as Annexure P-1 but also to the reply, which has been filed in the Court today. It has been submitted that the petitioner along with co-accused Ankit @ Mogli was actively involved in the manufacture and sale of spurious liquor, and both had been

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running the business together. The manufacturing unit wherein this illicit and spurious liquor was being manufactured had been set up by the petitioner along with the co-accused Ankit @ Mogli, Nishant Rana and Saurav. Learned State counsel has further argued that enough incriminating evidence, including documentary evidence, had been collected by the investigating agency, clearly showing the active involvement of the petitioner in the manufacture of the spurious liquor.

6. Learned State counsel has submitted on instructions that the petitioner cannot claim parity with that of the co-accused as the co-accused, who had been granted bail had been attributed distinct and smaller roles e.g. their involvement was limited to the supply of caps, labels, bottles and other material for the bottling of the spurious liquor, whereas the petitioner was directly engaged in its manufacture and sale being the partner in the manufacturing factory. It has been submitted that it is a matter of record that the bail applications of five co-accused, namely Shekhar, Mohit, Ramandeep, Vikrant, and Ravinderpal, who had roles similar to that of the petitioner, have also been declined the concession of regular bail by this Court. Learned State Counsel has further apprised this Court that due to the sale of spurious liquor, one person lost his life, for which a separate FIR has been registered against the petitioner. Additionally, relying on paragraph 13 of the affidavit, learned state counsel submits that it is a matter of record that the petitioner is involved in 12 other criminal cases, including one under Section 302 IPC, as well as other cases of a similar nature. Learned State counsel has thus, prayed for dismissal of the instant petition as the



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petitioner is a member of a gang which has been indulging in the distribution of spurious liquor in the surrounding villages and shops; on account of the illegal activities of the petitioner and his gang, multiple deaths occurred, and the petitioner thus, evidently is a habitual offender. In case he is enlarged on bail, there is every likelihood that he could tamper with evidence or even attempt to abscond.

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

8. Prima facie, there are serious allegations against the petitioner of being involved in the illicit manufacturing and distribution of spurious liquor. Furthermore, as apprised by the learned State Counsel, the petitioner has a history of criminal antecedents, being involved in as many as 12 cases. No doubt, the petitioner has placed reliance on the bail orders granted to the co-accused, he however cannot seek parity, as the role attributed to the co-accused was comparatively minor, whereas the petitioner is alleged to have played an active role as a partner in the illegal business. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

9. Accordingly, the instant petition is hereby dismissed.

10. 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.

26.09.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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