



CRM-M-20325-2024

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**227 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-20325-2024
Decided on : 25.07.2024

Uttam Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.410 dated 09.11.2023 under Sections 201, 272, 308, 328, 420, 467, 468, 471, 472, 473 and 120-B IPC and 61, 63-A and 72-A of Punjab Excise Act registered at Police Station Mullana District Ambala.

2. Learned counsel for the petitioner has reiterated his submissions made on the last date of hearing that he was merely a whistle blower to the crime in question and was not even remotely connected with the manufacture of spurious liquor. It has been argued by the learned counsel that the petitioner had only rented out his premises to the co-accused Ankit and Kapil Pandit, who had then converted it into a factory for the manufacture of spurious liquor. It



has also been asserted that it is not even the case of the prosecution that the petitioner other than renting out his premises to the co-accused had provided any other material, which was then used by them in the manufacture of illicit and spurious liquor. It has further been submitted that even in the FIR in question, which stands reproduced hereinbelow, no role had been attributed to the petitioner in the manufacture of the illicit and spurious liquor, which further lent credence to his false implication in the present case.

“Today, at about 10.30 a.m., I, SI alongwith HC Chanderbhan No.746/ Ambala, Constable Pardeep Kurnar No.1632, HGH Rajesh Kumar No.669, went from police station Mullana for patrolling and crime checking in government vehicle No.HR-01GV-6071 being driven by HGH Rajesh Kumar No.695 and after passing village Mullana and village Dheen, at about 11:00 p.m., I came present at Dosarka Chowk. In the meantime, at about 11:15 p.m., secret informer met me, SI and gave secret information that there is old chemical factory constructed on the land of Uttam s/o Jagmal r/o village Dhanaura, District Ambala which is having boundary wall all around and within the boundary wall, there are some rooms and one big room has been constructed and there is one old shed. The said chemical factory has since been closed. This chemical factory of Uttam Singh was given on rent by Punit s/o Dalbir Singh r/o village Dhanaura. District Ambala to Kapil Pandit r/o village Thambar, Police Station Barara. District Ambala and Ankit Mogil r/o village Ugala, Police Station Barara. District Ambala.



On that old chemical factory, Kapil Pandit r/o village Thamber and Ankit @ Mogil, in connivance with many of their accomplices, have constructed illegal factory of fake spurious country made liquor and are running business of illegal liquor and are putting the lives of people in danger. These persons have kept all the tools of making fake liquor such as water, empty chemical drums, empty bottles and wrapper, once liquor making machine and other articles in the sugarcane field situated in the north direction of this chemical factory. If immediate raid is conducted then the above said persons can be apprehended while making fake spurious liquor. The secret information was apprised to the higher officers through phone for reaching at the spot. On this information, the SI apprised the passerbyes regarding secret Information and requested to join, but all the persons went away from the spot by expressing their inability. At about 11:45 p.m.. I, SI alongwith fellow officials, reached in that chemical factory situated in the area of village Dhanaura in government vehicle, where, considering the secret information, I went and saw in that chemical factory and found that the accused had burnt some empty liquor bottles in that factory and from the room situated in the front of this factory, recovered six bottles of fake liquor upon which 'Taaza Malta' and batch No.16 November, 21 were mentioned and recovered water tank of 1000 liters lying in this big room and search of sugarcane field situated in the north direction of that factory was conducted, upon which some wrappers having written 'Taaza Malta', one electric machine of liquor making, 14 big plastic drums, one plastic drum of fevicol



having fevicol in it, 4 small plastic drums, 30 bags containing empty plastic bottles were recovered and each bag is containing 90 empty plastic bottles. Out of recovered six bottles of country made liquor of Taaza Malta. two bottles of liquor were separated as sample and after preparing parcels, the same were served with seal of KC/3 and separate parcel of remaining liquor was prepared and served with seal of KC/3. After use seal and keeping sample seal, the seal was handed over to HC Chanderbhan. The above recovered articles and parcels were taken into police possession through memo as evidence. Signatures of witnesses were obtained on the memo. No one has produced any license and permit regarding fake spurious illegal liquor factory and its machinery, which was recovered. Kapil Pandit r/o village Thamber and Ankit @ Mogil, in connivance with many accomplices fixed fake wrapper on fake liquor and after making spurious liquor in an illegal factory in connivance with each other and selling the same further and endangering lives of persons by committing fraud and have committed offence u/s 61/63A-4-2020 of Haryana Amendment Bill, 188, 272, 328, 308, 420, 468, 471, 472, 473, 201, 120-B IPC. In this regard, the Excise Department. Ambala has been informed to reach at the spot. Upon this the writing has been scribed down and after taking printout, the same is being sent through HGH Rajesh Kumar 669 to the police station. After registration, case number be intimated. Special report of First Information Report be sent through Email to higher officers. The officers have been apprised regarding facts of the case through phone. Other investigating officer be sent at



the spot for further investigation. I. SI, alongwith fellow officials, am present at the spot for investigation.”

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not been disputed that the petitioner was neither named in the FIR in question nor was any evidence collected by the investigating agency after the registration of the FIR in question from which it could be discerned that the petitioner had in any manner provided any material, which was used by the co-accused for manufacturing the illicit and spurious liquor. However, it has been asserted by the State counsel that the petitioner had rented out his premises to the co-accused, who then used the said premises in manufacturing the illicit and spurious liquor, which led to the death of 20 persons. Learned State counsel has also controverted that the petitioner is a whistle blower to the crime in question.

4. On a pointed query put to the learned State counsel as to whether the investigation in the present case is complete, he replied in the affirmative and submitted that the challan stands presented, however, charges are yet to be framed and as many as 53 prosecution witnesses have been cited.

On further query put to the State counsel, he has submitted that the prime accused in the present case are Ankit and Kapil Pandit, who are, however, still in custody.

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



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6. The petitioner has been in custody since 09.11.2023; as not disputed by the State counsel, investigation in the case in hand is complete as challan stands presented. The trial has not progressed as charges are yet to be framed.
7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
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.

25.07.2024
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(MANJARI NEHRU KAUL)
JUDGE

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