

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.22343 of 2024
Reserved on: 08.08.2024
Pronounced on: 30.08.2024

Gourav Kamboj ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rakesh Nehra, Sr. Advocate with
Mr. Vikalp Hooda, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
387	10.11.2023	Chhappar, District Yamuna Nagar	302, 328, 307, 201, 120-B IPC and Section 72(A) of Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) (Section 304 IPC deleted and Sections 120-B, 302, 201, 307 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. Per the custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	83/2020	--	Under sections 323, 506 IPC	Radaur, Yamuna Nagar
2.	136/2020	--	Under section 61-1-14 of Excise Act; 188 IPC	Ladwa, Kurukshetra
3.	451	11.11.2023	302, 328, 120-B, 201 and 204 IPC and Section 72(A)-4-2020 of	Bilaspur, District



			Excise Act	Yamuna Nagar
4.	151/ 2020	11.09.2020	Under sections 120-B, 269, 270, 308, 420, 467, 468, 471 IPC and Section 61-1-14 of Excise Act	Radaur, Yamuna Nagar
5.	249	08.11.2023	Under Sections 302, 307, 326, 328, 201, 467, 468, 471, 120-B IPC, Section 42(a) of Prisoner Act and Section 72(A) of Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020)	Farakpur, District Yamuna Nagar

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3.That in this regard, it is submitted that on 09-11-2023 information regarding the death of Jagmal S/o Nasib Lal due to intoxication of "Desi Alcohol" was received at the Police Station and thereupon the police party reached at the Civil Hospital, Trauma Centre, Yamuna Nagar where the son and wife of the deceased namely Mohit Kumar (son) and Saroj Bala (wife) met the police party but they did not made any statement to the police and on 10-11-2023 Mohit Kumar S/o Jagmal made his statement to the police alleging the death of his father by consuming liquor purchased from Raj Kumar @ Babli, Naresh Kumar @ Khuba, Rajesh Kumar, Radhey etc.”

4. The petitioner's counsel argued as follows:

- “1. That the present petitioner has not even been named in the FIR.*
- 2. That the present petitioner is involved in present case on the basis of discloser statement of co-accused Shamsher @Monu Rana.*
- 3. The present petitioner gave a friendly loan to the Mahender Singh, the licence holder of the liquor vend.*
- 4. The petitioner is not license holder of the alleged Liquor vend.”*

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State’s counsel opposes bail and refers to the following portions of the reply.

“22.That with regard to the role of petitioner, it is submitted that the petitioner was party to the criminal conspiracy and the petitioner hatched criminal conspiracy with co- accused Gaurav R/o Thamber etc. to sell illegal liquor. In pursuance of said criminal conspiracy, the petitioner and his co-accused namely Amar Nath, Mange Ram and Sushil Kumar @ Tinku has invested money on the above said liquor vend situated at Village Mandebri, Distt Yamuna Nagar and other liquor vends in 11 zones in the name of Mohinder Kamboj whereas the



actual control of the business was in the hands of petitioner and his other co-accused. The petitioner along with other co-accused persons started manufacturing illicit liquor at Village Dhanaura, Distt. Ambala and illegally started selling the said spurious and poisonous liquor to different vendors of liquor vend and also at their liquor vend situated at Village Mandebri/Phunsgarh. Several persons had consumed the liquor supplied by the petitioner which resulted in their death. Thus, the petitioner played active role in the commission of offence. The petitioner along with his co-accused has committed the aforesaid offences in a planned way.

23. That during the investigation it was further revealed that Monu Rana, Ankit @ Mogli along with other culprits hatched criminal conspiracy for manufacturing and supplying the illicit liquor and in pursuance of their criminal conspiracy they started manufacturing and selling the illicit liquor in illegal manner. The above said illicit liquor manufactured at village Dhanora District Ambala was initially used to be supplied at liquor vend situated at village Mandebri District Yamuna Nagar and from liquor vend village Mandebri to the other person's indulged in the business of illicit liquor.

24. That it is also pertinent to mention here that due to the illegal acts of the petitioner and his co-accused a hooch tragedy has taken place in the area of police station Farakpur, Distt. Yamuna Nagar claiming 13 lives of Vishal, Mange Ram, Sushil, Jagir Chand, Arun, Narender, Ramesh @ Bhindi, Mehar Chand, Sarwan, Suresh, Suresh @ Leelu, Ravinder and Parveen @ Tirangi whereas 3 victims namely Prince/complainant, Jagmal and Raghubir have suffered injuries/disability/blindness and in this regard, a criminal case bearing FIR No. 249 dated 08-11-2023 Under Section 302, 328, 120-B of IPC, 1860 & 72(A)- 4-2020 of The Punjab Excise Act (Haryana Amendment Bills, 2020) was registered at Police Station Farakpur, District Yamuna Nagar. The hooch tragedy have claimed 4 lives in the present case and 1 other case registered in P.S. Bilaspur, Distt. Yamuna Nagar. The victim in the present case had also consumed the same illicit liquor manufactured at Village Dhanora District Ambala. The cause of death of the victims in the present case has been mentioned as Methyl Alcohol, poisoning and its complications. In this regard, the opinion of the doctors has been obtained. As per the opinion of the doctors, the death of deceased persons on account of consuming Ethyl and Methyl alcohol and the same can cause death. The report of F.S.L. has also been received. The copies of opinion given by the doctors regarding the cause of death of the victims are attached here with for the kind perusal of this Hon'ble Court as Annexure R-5. The copy of report of F.S.L. is attached here with for the kind perusal of this Hon'ble Court as Annexure R-6."

7. A perusal of the bail petition and the attached documents prima facie points towards the petitioner's involvement but does not make out a case for bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

8. The petitioner's custody is from 19-01-2024, which considering the loss of



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human lives, cannot be termed as prolonged at this stage.

9. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

10. **Petition dismissed.** Interim orders, if any, are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.