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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision : 31.05.2024

1. CRM-M-27047-2024

Puneet Petitioner

versus

State of Haryana Respondent

2. CRM-M-27123-2024

Uttam Singh Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Mukesh Kumar Sharma, Advocate
for the petitioner in CRM-M-27047-2024.

Mr. Sandeep Singh Jattan, Advocate
for the petitioner in CRM-M-27123-2024.

Mr. Ramesh Kumar Ambavta, AAG, Haryana
with SI Bhupinder.

PANKAJ JAIN, J. (Oral)

1. Present petitions have been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner in case bearing FIR No.327
dated 09.11.2023, registered for the offences punishable under Sections
304, 328 and 120-B of IPC [Section 302 IPC and Section 72A(a) of the
Punjab Excise Act, 1914 (Haryana Amendment Bill 2020) added later
on] at Police Station Barara, District Ambala.

2. FIR was registered on the information given by one Mool

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“Sir the facts are as follows. Statement of Mool Chand son of Raghu Nandan Sharma resident of Village Kurthal Police Station Budhana District Muzaffar Nagar (Uttar Pradesh) aged 58 years Mob. 9896329269, made a statement that I am a resident of the above address and working as a farmer. I have three children i.e. two boys and one girl. My son Shivam alias Lokesh came to Ambala (Haryana) in search of work about 15 days ago with his friend Deepak Singh son of Rajinder Kumar, resident of village Kurthal Police Station Budhana, District Muzfarnagar (Uttar Pradesh). My son later told me that I and my friend Deepak Singh have started working for a person namely Ankit alias Mogli resident of Village Ugala who deals in liquor and Ankit alias Mogli has given us a house to live in Preetnagar Colony Barada. Today we received information from the police that your son Shivam alias Lokesh or his friend Deepak Singh has died during treatment due to drinking alcohol. On the information I and my brother Yogendra Sharma son of Raghunandan Sharma or brother Sandeep Kumar son of Dayaram and Deepak Singh's brother Sanjeev Kumar or uncle (Taya) Brahm Singh son of Jabar Singh have reached the Mulana Hospital, where we have identified the bodies of Shivam alias Lokesh and Deepak Singh by seeing them kept in the mortuary. We have come to know that Shivam alias Lokesh or Deepak Singh has died due to drinking poisoned liquor. In this regard, I and Deepak's brother Sanjeev Kumar and uncle Brahma Singh son of Jabar Singh have personally found out that Ankit alias Mogli, resident of Ugala District Ambala is working illicit liquor by setting up to manufacture factory of a illicit liquor in village Dhanaura near Mulana and the lives of other people are also at risk due to the consumption of this poisonous liquor. Ankit Kumar alias Mogli and his other associates have set up a factory to make illegal liquor in collusion and conspiracy, which caused the death of Shivam alias Lokesh and Deepak Singh by drinking the poisonous liquor made in this illegal liquor factory. Strict legal action should be taken against Ankit Kumar alias Mogli and his other accomplices. I have recorded my statement and read it which is correct. attested SINGH NASEEB Sd/- Mool Chand, ASI PP Barara Dt.

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09.11.2023. Police Proceeding: Today I ASI is present at Police Chowk Barara Police Station Barara District Ambala, at the same time information has been received through phone at Police Station Barada that Shivam alias Lokesh son of Mulchand Village Kurthal Police Station Budhana, District Muzaffar Nagar (Uttar Pradesh) has been died during treatment due to eating some poisonous food. I.O. be send for action. On the information I ASI along with H.C. Susheel Kumar No. 212/Ambala and H.C. Rajesh Kumar No. 984/Ambala along with laptop and printer reached at MMU Hospital Mulana regarding taking appropriation action. Where the doctor's ruqa of the deceased Shivam alias Lokesh was obtained and it is known that Deepak Singh, the friend of the deceased Shivam alias Lokesh, has also been referred to Ambala Hospital or High Center for treatment from CHC Barara due to consumption of substance. Meanwhile, information was poisonous received from police station Barara that Deepak Singh, son of Rajinder Kumar, Kurthal police Muzaffar Nagar referred to station resident of village Budhana, district has Pradesh) (Uttar Sector-12 Chandigarh PGI been for treatment from Civil Hospital Ambala Cantt. I ASI has informed the heirs of the deceased Shivam alias Lokesh and Deepak Singh, I was present at MMU Hospital Mulana waiting for the heirs of the deceased Shivam alias Lokesh to take appropriate action that Information was received from Police Station Barara that above Deepak Singh has been died on the way while taking for treatment to PGI Sec.-12 Chandigarh. The dead body of deceased Deepak Kumar is in the mortuary of Civil Hospital Ambala Cantt. In this regard, I ASI also informed the heirs of the deceased Deepak Singh and I ASI along with fellow employees on private vehicle reached at the Civil Hospital, Ambala Cantt, to take the dead body of the deceased Deepak Singh. After obtaining the sample seal of the deceased Deepak Singh from Doctor and the seal has been affixed on the sample as CH/1 and the separate application for conducting the post-mortem of the deceased Deepak Singh was submitted to MMU Hospital Mulana, I marking after the application from the doctor, arranged for the ambulance reached the mortuary of

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MMU Hospital Mulana with the dead body of deceased Deepak Singh. The dead body of deceased Deepak Singh was kept in the mortuary and outside the mortuary MMU Hospital Mulana the heirs of deceased Shivam alias Lokesh and the heirs of the deceased Deepak were present and father of deceased Shivan alias Lokesh above said namely Mool Chand son of Raghu Nandand resident of Village Kurthal, police station Budhana, District Muzaffar Nagar (Uttar Pradesh) has recorded his above statement with me ASI, whose above statement has been written, read, recited or explained by writing, reading or explaining, who considering the above statement to be correct has signed his signature in Hindi below his statement. I verified the same. From the above statement and Ruga of Doctors regarding deceased Shiva alias Lokesh and deceased Deepak Singh the offence under section 328, 304, 120B IPC has accordingly, been found to for registration be of committed, FIR H.C. Rajesh Kumar No. 984/Ambala has been sent at police station Barara. After registration of FIR, its number may be informed. The Special Report of First Information Report may be sent to Illaqa Magistrate and Higher Officials through Email. Higher officials may be informed regarding the circumstances. Approval for investigation may be granted. I ASI is busy in 174 Cr.P.C. proceedings. Today: MMU Hospital Mulana Police Chowki Barara Police Station Barara, Ambala, dated 09.11.2023 SD NASEEB SINGH ASI PP BARARA DT 9/11/23. Today at police station- On receiving the writing H.C. Rajesh Kumar no. 984/Ambala at police station on finding the offence under section 328, 304, 120B IPC FIR Number 327 under section 328, 304, 120-B IPC has been registered at police station Barara District Ambala and copy of writing along with original writing is being handed over to H.C. Kumar Rajesh for investigation. The special copies further First the of Information report is being forwarded to higher officials thorough Email. Record shall be procured as per rules. The Station House Officer been has informed regarding the circumstance. The first Information report has been registered in the presence of H.C. Mukesh Kumar.”

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3. As per the case of the prosecution, Ankit @ Mongli who has been named in the FIR was arrested. He suffered disclosure while in police custody on 12.12.2023, wherein he named Ramandeep @ Deepu. Thereafter on 15.12.2023, i.e. after 03 days, he suffered another disclosure while in police custody on 12.12.2023 wherein he named Ramandeep @ Deepu i.e. after 03 days he suffered another disclosure wherein he named the present petitioners. Allegation qua Puneet that he facilitated letting of the warehouse to Ankit on payment of commission and allegation qua Uttam Singh is that he is owner of the warehouse.

4. Counsel for the petitioners would submit that even if the disclosure made by Ankit while in police custody is taken on its face value, the same would not constitute offence against the petitioners or would in fact that they have any part to play in the crime. Further reference is being placed upon order dated 15.04.2024 passed in CRM-M-16998-2024, wherein co-accused Anshu has been granted regular bail.

5. Petitioners are behind bars for more than 06 months and 11 days by now. Challan stands presented.

6. Keeping in view the incarceration already suffered by the petitioners and the allegations levelled against them, the present petition is allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

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- 7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.
- 8. A photocopy of this order be placed on the file of other connected case.

(PANKAJ JAIN)
JUDGE

31.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No