

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.31102 of 2024
Reserved on: 08.08.2024
Pronounced on: 30.08.2024

Puneet ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mukesh Sharma, Advocate
for the petitioner.

Mr. Ashish 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) (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.	327	09.11.2023	Under Sections 302, 304, 328, 120B IPC and Section 72(A)-4-2020 of Punjab Excise Act, 1914 (Haryana Amended Bill,2020)	Barara, District Ambala
2.	410	09.11.2023	Under sections 188, 201, 272, 308, 328, 420, 467, 468, 471, 472, 473, 120-B IPC and Sections 61, 63-A of Excise Act	Mullana, District Ambala
3.	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	Farakpur, District Yamuna Nagar

			Amendment Bill, 2020)	
4.	451	11.11.2023	302, 328, 120-B, 201 and 204 IPC and Section 72(A)-4-2020 of Excise Act	Bilaspur, 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 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.

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

“17. That on 13-03-2024, the petitioner accused Puneet S/o Dalbir Singh, who was in custody in some other case, was joined in investigation with the permission of Court and arrested in the present case. During interrogation, he suffered his disclosure statement. Pursuant to his disclosure statement, the petitioner got demarcated the place of occurrence.

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 along with above said co-accused started manufacturing illicit liquor at Village Dhanaura, Distt. Ambala. The petitioner was responsible for arranging the land at the village Dhanaura, Distt Ambala for the manufacturing of the illicit alcohol. Several persons had consumed the liquor supplied by the petitioner and his co-accused which resulted in his 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.”

6. It would be appropriate to refer to the reply, which reads as follows:

“27. That as per information collected by the investigating agency, four other criminal cases have been registered against the petitioner. The list of case registered against the petitioner is attached here with for the kind perusal of this Hon'ble Court as Annexure R-7.”



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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 13-03-2024, which considering the loss of 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.