



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-31807-2024

Date of decision: 20.08.2024

Manish Agarwal and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate,
Mr. Parvez Chugh, Advocate and
Mr. Pardeep Rana, Advocate for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab
assisted by ASI Jiwan Kumar.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0018 dated 22.03.2024 under Sections 302, 120B of the IPC and Sections 61-A/1/14 of the Punjab Excise Act (Sections 328, 468, 469, 471 of the IPC added lateron) registered at Police Station Cheema, District Sangrur.

2. Learned senior counsel representing the petitioners has vehemently asserted that on the face of it a false and fabricated case has been planted upon the petitioners; neither is there any disclosure statement on record made by any of the co-accused including Harmanpreet Singh @ Harman, who had allegedly purchased chemicals (thinner) from the petitioners, nor is it the case of the prosecution that the petitioners, who are directors of Insta Chemi Private Limited, were in any manner involved in the manufacture of the spurious liquor that



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resulted in the death of one person.

3. Learned senior counsel has further argued that although the petitioners are directors of Insta Chemicals, they had no direct or indirect business dealings with co-accused Harmanpreet Singh, who allegedly purchased chemicals from their company and then illicitly utilized these in the production of spurious liquor. It has been argued that the sale of the chemical in question to co-accused Harmanpreet Singh was conducted with utmost transparency and in strict adherence to all legal protocols. It has also been asserted that the entire transaction was meticulously documented and supported by a comprehensive trail of invoices, bills, and GST payments, thereby reflecting full compliance with statutory requirements. In support, learned senior counsel has drawn the attention of this Court to Annexures P-5 to P-7.

4. It has been still further contended by the learned senior counsel that the chemical thinner, which was sold to co-accused Harmanpreet Singh @ Harman, falls within the category of chemicals intended for industrial use. This particular chemical is widely available in the open market and is lawfully traded for legitimate purposes, with no specific legal restrictions governing its sale. Learned senior counsel has maintained that the sale to co-accused Harmanpreet Singh @ Harman was thus executed in good faith by the petitioners, following all requisite and regulatory norms, and was a standard business transaction conducted in the ordinary course of their company's operations.

5. On the last date of hearing, the learned State counsel had



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prayed for an adjournment to complete his instructions as to what was the precise role attributed to the petitioners in the present case.

6. Learned counsel for the State has filed a status report by way of an affidavit of Harvinder Singh, PPS, Deputy Superintendent of Police, Sub Division Sunam, District Sangrur, which is taken on record subject to all just exceptions. Learned State counsel while drawing the attention of this Court to para 11 of the status report, has submitted that the petitioners supplied six drums, each containing 50 litres of ethanol grain to co-accused Harmanpreet Singh @ Harman. Co-accused Harmanpreet Singh @ Harman along with some other accused then used this ethanol to manufacture spurious liquor, which was later consumed by the husband of the complainant, leading to his death. The learned State counsel has, however, conceded that there was no disclosure statement on record in the present case, including that of Harmanpreet Singh implicating the petitioners in the sale of chemicals or their involvement in the production of the spurious liquor. Learned State counsel has conceded that the transactions between the petitioners and co-accused Harmanpreet Singh concerning the sale and purchase of ethanol were fully documented; this includes the detailed invoices, which have been annexed as Annexures P-5 to P-7. It has also not been disputed that the only role attributed to the petitioners in the FIR in question was of sale of chemicals to co-accused Harmanpreet Singh, and other than this no evidence had come to light till now qua the involvement of the petitioners in the manufacture of the spurious liquor.

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

8. In the present case, as not disputed by the learned State counsel also, no specific role has been attributed to the petitioners in the crime in question, apart from the fact that they had supplied ethanol to co-accused Harmanpreet Singh @ Harman, who had then allegedly manufactured spurious liquor. It has also not been alleged that the petitioners had in any manner connived with the co-accused for manufacturing spurious liquor. The petitioners have been in custody since 19.04.2024, the case of the prosecution qua the petitioners rests on documentary evidence and the investigation stands completed as even challan has been presented. Thus, there can be no likelihood of the petitioners tampering with evidence during trial. In the facts and circumstances as enumerated hereinabove, especially the role attributed to the petitioners, this Court deems it fit to extend the concession of bail to the petitioners.

9. Accordingly, the instant petition is allowed. The petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

20.08.2024

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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