

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.32184 of 2024
Reserved on: 08.08.2024
Pronounced on: 30.08.2024

Anshul Garg ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate and
Mr. Shivam Sharma, Advocate
for the petitioner.

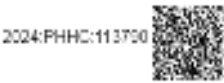
Mr. Ashish Bishnoi, DAG, Haryana.

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)

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.	152	03.03.2023	10, 7(i), 7(ii) of Haryana Development and Regulation of Urban Area Act, 1975	Assandh, District Karnal
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.	451	11.11.2023	Under sections 328, 302, 120-Bm 201, 3204, 420, 467, 468, 471 IPC; Section 72(A)-4-2020 of Excise Act and Section 42 of Prisoners Act	Bilaspur, District Yamuna Nagar
4.	249	08.11.2023	Under Sections 302, 307, 326, 328, 201, 467, 468, 471, 120-B IPC, Section 42(a) of Prisoner Act	Farakpur, District Yamuna



			and Section 72(A) of Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020)	Nagar
5.	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

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 make any statement to the police and on 10-11-2023 Mohit Kumar S/o Jagmalgot recorded 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. The Petitioner's name did not surface in the disclosure statement recorded initially of numerous accused and neither the challan was presented against him on 09.02.2024. It is only belatedly without there being any admissible evidence, that the Petitioner is arrested along with one Ramandeep on disclosure of Shekhar and Parveen.
2. Further with regard to the allegation of supplying ENA, the Petitioner had been granted license to manufacture sanitizer, however when CoVID ended he had closed his unit and all the stock of ENA ended. Further when Petitioner started business of Havels Company, there took place a fire incident at his godown on 25.08.2022 due to which all goods were destroyed.”

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 during investigation it was revealed that during Covid-19, the petitioner procured license for manufacturing sanitizers and under the garb of said license, the petitioner procured ENA but thereafter the petitioner illegally shown the said ENA as destroyed and sold the same to the co-accused Ankit alias Mogli through co-accused Ramandeep @ Rs.97/- per litre for a sum of Rs.1,74,600/-. The petitioner had knowledge regarding the use of said ENA for manufacturing spurious liquor in illegal manner. The petitioner was party to the criminal conspiracy and said ENA was further used for manufacturing 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 sold the above-said drums of ENA/alcohol used for making spurious and poisonous liquor. Several persons died as a result of consuming the spurious liquor which was manufactured with the help of the drums of ENA/alcohol supplied by the petitioner. 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 supply at liquor vend situated at village Mandebri District Yamuna Nagar from liquor vend village Mandebri to the other person's indulged in the business of illicit liquor. The petitioner and his co-accused Gaurav Kamboj. Amar Nath and Sushil Kumar @ Tinku had invested the money in the above said liquor vend and other liquor vends of 11 zones in the name of Mohinder Kamboj whereas the actual control of the said business was in the hands of the petitioner and his above said co-accused and the transactions pertaining to the said liquor vends was also being done from their bank accounts and they had every knowledge about the above said illicit manufacturing unit and sale of spurious and poisons liquor at their liquor vends."

7. It would be appropriate to refer to the reply, which read as follows:

"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 claiming 13 lives of Vishal, Mange Ram, Sushil, Jagir Chand, Arun, Narender, Ramesh @ Bhindi, Mehar Chand, Sarwan, Suresh, Suresh @ Leelu, Ravinder and Parveen @ Tirangi in the present case 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."

8. 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.



9. The petitioner’s custody is from 13-03-2024, which considering the loss of human lives, cannot be termed as prolonged at this stage.
10. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
11. **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.