



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

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**CRA-S-2907-2024 (O&M)
Date of Decision:12.09.2024**

Manish Agarwal and another	Versus	...Appellants
State of Punjab and others		... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate
Mr. Parveej Chagh, Advocate
Mr. Amritpal Singh Mann, Advocate
Mr. Dhruv Trehan, Advocate and
Mr. Kashish Sahni, Advocate
for the appellants.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

N.S.SHEKHAWAT, J.

1. The appellants have preferred the present appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) 1989, (hereinafter to be referred as the SC/ST Act) against the impugned order dated 01.08.2024 passed by the Court of Additional Sessions Judge, Sangrur, whereby, the application filed by the appellants under Section 439 Cr.P.C., was ordered to be dismissed in a case arising out of the FIR No. 0025 dated 20.03.2024 under Sections 302/34 IPC and Section 61 of the Punjab and Excise Act (offences under Section 328/465/468/469/471/120-B of IPC, Section 61A/1/14 of the Excise



Act, 3(2)(V) of the SC and ST Act, 1989 and Sections 102/103/104 of Trade Marks Act, 1999 added later on) registered at Police Station Dirba, District Sangrur, Punjab.

2. In the present case, the criminal proceedings were initiated on the basis of the statement made by Babli Rani, first informant and the English translation of his statement has been reproduced below, which formed the basis of the registration of the FIR in the present case:-

“Copy of Statement, Statement of Babli Rani wife of Late Jagjit Singh son of Joga Singh resident of Gujran Police Station Dirba, District Sangrur, aged about 24 Years Mobile No.9815810365. Stated that I am resident of abovesaid address and do household work I got married to Jagjit Singh son of Joga Singh resident of Gujran Police Station Dirba, District Sangrur about 6/7 years ago. Out this wedlock one male child Gurpreet Singh was born about 6 months ago and one female child Saranpreet Kaur was born 4 years ago. My Husband Jagjit Singh used to do labour work. Yesterday he had got no work, so he was present at home. Some time he used to drink liquor. My husband used to purchase cheaper liquor from Manpreet Singh alias Mani son of Amrik Singh and Sukhwinder Singh alias Sukhi son of Avtar Singh residents of Village Gujran, Yesterday i.e.



on 19.03.2024, he had drank liquor with Pargat Singh son of Joga Singh resident of my village and Bhola Singh son of Basant Singh resident of Village Gujran, Police Station Dirba, District Sangrur at about 7:00 PM. Both of them left for their home after drinking liquor. My husband also came back but at night he started vomiting and after some time he slept. He did not wake up in the morning. I told my parents in law. We noticed that my husband Jagjit Singh was not talking. We got him admitted for treatment at Shaheed Baba Barsiana Hospital at Dirba. During treatment my husband Jagjit Singh died. We took the dead body back to our home at village Gujran. Upon reaching village, we came to know that Pargat Singh son of Joga Singh and Bhola Singh son of Basant Singh resident of village Gujran, Police Station Dirba, District Sangrur who had drank with my husband last night had also died. The cause and reason of the death of my husband Jagjit Singh is that few days ago my husband had an altercation with Manpreet Singh alias Mani son of Amrik Singh and Sukhwinder Singh alias Sukhi son of Avtar Singh residents of Village Gujran regarding supplying bad quality of liquor. Later they had orally settled the dispute. Now I am convinced that the death of my husband Jagjit Singh, Pargat Singh



son of Joga Singh and Bhola Singh son of Basant Singh resident of Village Gujran, Police Station Dirba, District Sangrur have died on account of some poisonous substance having been mixed in the liquor by Manpreet Singh alias Mani son of Amrik Singh and Sukhwinder Singh alias Sukhi son of Avtar Singh residents of Village Gujran, District Sangrur. Appropriate action may be taken against Manpreet Singh alias Mani son of Amrik Singh and Sukhwinder Singh alias Sukhi son of Avtar Singh residents of Village Gujran, District Sangrur. Statement got recorded, read over and admitted to be correct. Stated by Babli Rani. Attested by Gurjot Kaur wife of Late Pargat Singh resident of village Gujran, Police Station Dirba, District Sangrur, attested by Lakhwinder Singh son of Bhola Singh resident of village Gujran, Police Station Dirba, District Sangrur, Attested by Gurmeet Singh SHO Dirba, dated 20.03.2024.)”.

3. Learned Senior counsel has vehemently argued that the appellants have been victimized by the police and the allegations against them are completely false and unfounded. In fact, the appellants are the Directors of M/s Insta Chemi Private Limited and are holding a position of oversight rather than direct involvement in day to day operations of the Company. He further contends that Harmanpreet Singh, co-accused had approached the Company of the



appellants for availability of denatured ethyl alcohol, having brand name “INSTASOL” from the Company of the appellants. Again, Harmanpreet Singh had purchased another chemical by the brand name “INSTASOL”, which is mostly used in cleaning, printing, and many other industrial uses. By referring to invoices (Annexure P-5 to P-7), learned senior counsel submits that all the sales were properly documented with proper invoices, bills and GST payments and the sale of such products is a standard practice in the chemical industry and there are no legal restrictions on selling them.

4. He further contends that all the transactions of the Company were conducted with utmost transparency and all the legal requirements were complied with. He further contends that at no point of time during the sale process or afterwards, there was any notification or apprehension from regulatory authorities regarding the sale of the products, which were sold by the Company to Harmanpreet Singh. Even, during the course of investigation, the police could not collect any evidence that there was any intention on the part of the Company to sell the said product for illegal and unauthorized purposes. Consequently, it is evident that the sale was made by the Company by following the legal requirements and in the course of routine business transactions.

5. Learned senior counsel further submits that the appellants had no direct conversation or meetings with any of the other accused nor any evidence regarding call detail records or



location charts to show the active connivance of all the appellants with the other accused.

6. Learned senior counsel further contends that the main accused had purchased the product for cleaning purposes, which is a routine business practice. However, the main accused had misused the product to manufacture the illicit liquor and the involvement of the appellants or their company in the said crime cannot be even remotely inferred. The police had also inspected the matter thoroughly and there was no evidence to suggest that the appellants or there company were engaged in any form of conspiracy or harboured the knowledge in advance of the main accused's illicit plans.

7. Learned senior counsel further submits that in the present case, the sale transactions had taken place on the basis of proper documentation and proper liquor formalities. Even after completion of the investigation, there was no evidence that any document was forged or used by the appellants and the offences under Sections 468, 469 and 471 IPC have been wrongly invoked in the present case. Apart from that, the appellants and their company had sold their product in good faith to the main accused and they had no knowledge about the case of the accused or the persons, who had allegedly consumed illicit liquor, which was prepared by the accused. Thus, no offence under Section 3(2)(V) of the SC/AT Act is made out against the appellants in the present case.



8. On the other hand, the reply by way of an affidavit of the Deputy Superintendent of Police, Sub-Division, Dirba, has been filed on behalf of respondent No.1 and the same is taken on record subject to all just exceptions.

9. Learned State counsel has vehemently opposed the submissions made by learned counsel for the appellants on the ground that several drums containing Ethanol grain manufactured by the appellants/Company, namely, "Insta Chemical Private Limited" were recovered from the main accused Harmanpreet Singh @ Harman. On the basis of the disclosure statement made by Harmanpreet Singh, the appellants were also arrayed as accused in the instant case. In fact, during the investigation, it had come to light that the chemicals used by Harmanpreet and Gurlal were purchased by them from the company of the appellants, for making spurious liquor. However, learned State counsel could not point out any evidence, which could show that the appellants had the knowledge that their product would be used for the manufacturing of illicit liquor.

10. I have heard learned counsel for the parties and perused the record properly.

11. In the present case, the only role attributed to the present appellant is that they had supplied Ethanol to co-accused Harmanpreet Singh @ Harman and Gurlal, who had allegedly manufactured liquor by the use of such product. However, there was



no evidence to suggest that the appellants had conspired with Harmanpreet Singh @ Harman and Gurlal in any manner.

12. The appellants were arrested in the present case on 11.04.2024 and after completion of the investigation, the final report under Section 173 Cr.P.C., has already been presented before the competent Court of law. Apart from that, the State has failed to place on record any evidence, which may indicate that the appellants are capable of influencing the witnesses of the prosecution or there was likelihood of tampering with the evidence by the appellants.

13. Keeping in view the aforesaid circumstances, this Court is of the considered view that the present appeal deserves to be allowed. Accordingly, the appeal is allowed and the appellants are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

12.09.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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