



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

242/2

CRA-S-2922-2024 (O&M)

Date of Decision:12.09.2024

Manish Agarwal and another

...Appellants

Versus

State of Punjab

... Respondent

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 30.07.2024 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. 0044 dated 22.03.2024 under Sections 302 and 120-B of IPC and Section 61(1) of the Punjab and Excise Act (offences under Sections 468/469/471/328/201 of IPC and Section 61A/1/14 of the Excise Act,



3(2)(V) of the SC and ST Act, 1989 added later on) registered at Police Station City Sunam, District Sangrur, Punjab.

2. In the present case, the criminal proceedings were initiated on the basis of the statement made by Harmesh Singh @ Meshi 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 of Harmesh Singh @ Meshi son of Budh Singh son of Kaka Singh resident of village Tibbi Raivdaspura, Sunam, District Sangrur, aged about 38 years Mobile No. 7973545603. We are five brothers and sisters. Baljinder Singh alias Kala Singh is my younger brother and we live separately. My father Budh Singh lives with me. My father Budh Singh and Lacha Singh son of Leela Singh resident of Village Lehal Khurd, presently living at Tibbi Ravidaspura, Sunam, Darshan Singh son of Tek Singh, Safinath son of Mehar Nath, Ravi Singh son of Des Raj, Laddi son of Harinder Singh, Buta Singh son of Sajjan Singh all residents of village Tibbi Ravidaspura, Sunam used to purchase liquor at cheap rate from Mangal Singh son of Channa Ram resident of Village Tibbi Ravidaspura Near Drain Bridge Sunam and used to consume the same. I have got to know that Mangal Singh used to get this liquor from Gurlal



Singh alias Gifty son of Mewa Singh resident of Ubhawala, Harmanpreet Singh alias Harman son of Late Kuldeep Singh resident of Tejpur, Tarsem Singh alias Shanty son of Bahadur Singh resident of Sekhuwas, Soma Kaur wife of Bhajan Singh and Sanju son of Raju residents of Chowas Jakhepal. He used to supply and sell the same secretly at Tibbi Ravidaspura, Sunam and adjoining areas. My father Budh Singh and others had complained to Mangal Singh that you are selling spurious liquor. Due to which an altercation had also taken place between them. Mangal Singh had said that he will sell liquor like this only and he can take whatever action he wants to take. I have got to know that yesterday i.e. 21.03.2024 my father Budh Singh, Lacha Singh son of Leela Singh resident of Village Lehal Khurd, presently living at Tibbi Ravidaspura, Sunam, Darshan Singh son of Tek Singh, Safinath son of Mehar Nath, Ravi Singh son of Des Raj, Laddi son of Harinder Singh, Buta Singh son of Sajjan Singh all residents of village Tibbi Ravidaspura, Sunam had purchased liquor from Mangal Singh for consumption. My father Budh Singh in routine manner slept after coming home intoxicated and after having his dinner today at about 9:00 AM my father did not get up from his bed and therefore, I tried to awake



him but he was still intoxicated. He told me that Mangal Singh has knowingly and deliberately given poisonous liquor and due to the same his vision is not clear and his body as well as abdomen is paining. We took him for treatment to Civil Hospital, Sunam where he died during treatment. Now I have come to know that apart from my father Lacha Singh and Safinath have also died who had purchased liquor from Mangal Singh. The cause and reason is that my father and others had an altercation with Mangal Singh regarding supplying of spurious liquor and, therefore, Mangal Singh had knowingly and deliberately sold poisonous liquor to my father and others. Due to this my father Budh Singh and Lachha Singh alias Lachman Singh, Safinath son of Mehar Nath and Darshan Singh son of Tek Singh have died and some others are ill and hospitalized in different hospitals. Mangal Singh has knowingly and deliberately purchased poisonous liquor from Gurlal Singh alias Gifty son of Mewa Singh resident of Ubhawala, Harmanpreet Singh alias Harman son of Late Kuldeep Singh resident of Tejpur, Tarsem Singh alias Shanty son of Bahadur Singh resident of Sekhuwas, Soma Kaur wife of Bhajan Singh and Sanju son of Raju residents of Chowas Jakhepal and sold the same. Due to this reason my father Budh Singh,



Lachha Singh and Safinath have died. Mangal Singh son of Channa Ram resident of Tibbi Ravidaspura, Near Drain Bridge, Sunam, Gurlal Singh alias Gifty son of Mewa Singh resident of Ubhawala, Harmanpreet Singh alias Harman son of Late Kuldeep Singh resident of Tejpur, Tarsem Singh alias Shanty son of Bahadur Singh resident of Sekhuwas, Soma Kaur wife of Bhajan Singh and Sanju son of Raju residents of Chowas Jakhepal are responsible for their deaths. Appropriate action be taken against all of them. Statement got recorded, read over and admitted to be correct. Statement by SD/- Harmesh Singh alias Meshi. Attested by SD/- Joginder Singh son of Hari Singh resident of Tibbi Ravidapsura, Sunam, attested by SD/- Makhan Singh son of Lila Singh resident of Village Lehalkhurd, Attested by Sukhdeep Singh SHO, Police Station City Sunam, Udham Singh Wala dated 22.03.2024.”.

3. Learned Senior counsel has vehemently argued that the appellants have been victimized by the Punjab 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. 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 18.04.2024 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