



CRM-M-51799-2024

-1-

235

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

CRM-M-51799-2024

Date of Decision: 13.12.2024

Amit Khatri

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Pankaj Bali, Advocate for
Mr. Vishal Goel, Advocate
for the petitioner.

Ms. Dimple Jain, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a fourth petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in FIR No.562 dated 06.12.2020, under Sections 272, 304, 328, 420, 467, 468, 471 IPC and Section 72-A of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) registered at Police Station Sonipat Sadar, District Sonipat.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for 3 years 7 months and 14 days and 23 out of 46 total cited prosecution witnesses have already been examined. He further submitted that it is a case where the allegations against the petitioner are that the deceased, namely, Pushp Raj had died due to consumption of spurious liquor which he bought from the water plant owned by the petitioner. He also submitted that even as per the prosecution, the deceased was a habitual drinker and was addicted to liquor. He further submitted that the petitioner has been falsely



CRM-M-51799-2024

-2-

implicated in the present case because of the reason that earlier he was involved in number of cases. He also submitted that even as per the prosecution, two persons, namely, Pushp Raj (deceased) and Arun had consumed liquor but it had no adverse effect upon aforesaid Arun but aforesaid Pushp Raj died because he was a habitual drinker and he was addicted to the same and it can only be ascertained by way of evidence which is to be laid before the trial Court that whether the death of the deceased Pushp Raj was caused due to consumption of liquor which he consumed on that day or not and it is also to be established as to whether the deceased had purchased liquor from the petitioner or not. He submitted that considering the aforesaid facts and circumstances especially the long custody of the petitioner, he may be considered for grant of regular bail.

3. On the other hand, Ms. Dimple Jain, learned DAG, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that 23 out of 46 total cited prosecution witnesses have been examined. She has however opposed the grant of regular bail to the petitioner on the ground that the deceased had purchased the liquor from the petitioner which was spurious and therefore, he died. She also submitted that the petitioner is a habitual offender and is involved in number of cases and on that ground as well, he does not deserve the concession of regular bail.

4. I have heard the learned counsels for the parties.

5. It is a case where the total incarceration of the petitioner comes out to be 3 years 7 months and 14 days and 23 out of total cited 46 prosecution witnesses have already been examined. As per the allegations contained in the FIR, the deceased, namely, Pushp Raj was already addicted to liquor and the allegations are that he consumed the liquor which he bought from the

**CRM-M-51799-2024****-3-**

petitioner.

6. After hearing the learned counsels for the parties, this Court is of the considered view that so far as the petitioner being involved in other cases is concerned, that itself cannot become a ground for denial of bail to him. This Court is also of the considered view that only considering the long custody of the petitioner which is stated to be 3 years 7 months and 14 days, he deserves the concession of regular bail. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

13.12.2024*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable: | Yes/No |